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**MARRIAGE, GENDER, AND THE
POLITICS OF “UNITY”
IN VISIGOTHIC SPAIN**

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by

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Dedication

This dissertation is dedicated to the memory of Dr. Janet A. Meisel.

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The University of Texas at Austin, 2011

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Abstract: This dissertation’s thesis is that the marital rhetoric and gendered imagery of late classical, Christian political discourse appear in narrative, conciliar, and legal texts produced in Visigothic Spain between 579 and 654 A.D. for the purpose of expressing conflict, rather than “unity.” This thesis opposes views of the Visigothic kingdom as a model of successful Christian unification by showing how the male-authored, Spanish sources - far from being silent on religio-political conflicts - use marriage, women, and wealth as metaphors in disputes over orthodoxy and status. These early medieval texts suggest a new paradigm of Christian “unity” in which Jews function as the “enemy,” and in so doing, establish a political model decidedly different from that of late antiquity. Examples of this political model appear in the Third and Fourth Councils of Toledo (589 and 633 A.D.), which are published here for the first time in Latin-English translation. Despite the historical significance of the Visigothic sources in the Spanish and broader contexts, little attention has been paid to late classical marital rhetoric and gendered imagery in them as evidence of conflicts. Understanding the purpose of these rhetorical strategies helps us to perceive how the paradigm of Christian “unity” masked deep conflicts over status, orthodoxy, and wealth - conflicts that persisted until a new invading force appeared to challenge Visigothic power in 711 A.D.

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INTRODUCTION

THESIS AND SOURCES

This dissertation's thesis is that the marital rhetoric and gendered imagery of late classical, Christian political discourse appear in narrative, conciliar, and legal texts produced in Visigothic Spain between 579 and 654 A.D. for the purpose of expressing conflict, rather than "unity." In Visigothic Spain (507-711 A.D.), Christian political discourse employs marriage metaphors and images of opposed men and women to express the instability of Gothic rule and to debate issues of religious and political unity.¹ Important Latin texts, mostly prescriptive, in a variety of genres produced at the height of the Spanish Visigothic kingdom include: two narratives, Leander of Seville's so-called *Rule for Nuns* (*De institutione uirginum et contemptu mundi*),² written c.579 A.D., and Isidore of Seville's *History of the Goths* (*Historia gothorum*), written c.624 A.D;³ the

¹ The Visigoths first moved into Spain with other Germanic groups in 418 A.D. The dates given here for the Spanish Visigothic kingdom span the period from the Goths' establishment of a capital at Toledo c.507 A.D. to the Muslim invasion of the peninsula in 711 A.D.

² *Leandro de Sevilla: De la instrucción de las virgenes y desprecio del mundo*, ed. and transl. Jaime Velázquez, Madrid: Fundación Universitaria Española, 1979 is a critical Latin edition with Spanish translation. An English translation of Leander's "The Training of Nuns and the Contempt of the World," or "Rule for Nuns" as it is also known, is available in *Martin of Braga, Paschasius of Dumium, Leander of Seville*, ed. and transl. Claude W. Barlow, The Fathers of the Church, Vol. 62 (Iberian Fathers, Vol. 1), Washington, D.C.: The Catholic University of America Press, 1969, pp. 175-228.

³ *Las Historias de los Godos, Vandalos y Suevos de Isidoro de Sevilla: Estudio, Edición Crítica y Traducción*, ed. and transl. Cristóbal Rodríguez Alonso, Leon: Centro de Estudios e Investigación "San Isidoro," 1975 is a critical Latin edition with Spanish translation. Isidore's *History of the Goths* is available in a number of English translations, most notably, Kenneth Baxter Wolf, *The Conquerors and Chroniclers*

conciliar *acta* of the Third and Fourth Councils of Toledo, held in 589 and 633 A.D.;⁴ and the Visigothic law code (*Lex visigothorum*), promulgated in 654 A.D.⁵

These male-authored texts addressing issues between the ruling Arian Visigoths and their Hispano-Roman (Nicene Christian and Jewish) subjects use marriage, women, and wealth as metaphors in disputes over orthodoxy and status. Hispano-Roman bishops (and brothers) Leander (c.540-600 A.D.) and Isidore of Seville (c.560-636 A.D.) rely upon the marital rhetoric and gendered imagery of late classical Christian discourse to express their polemical attitudes toward the legitimacy of Visigothic rule in two narrative sources, a so-called *Rule for Nuns* and a *History of the Goths*. The same patterns of imagery frame conciliar efforts to unify the Visigothic ruling minority with the Hispano-Roman majority at the Third Council of Toledo, over which Leander exercised considerable influence, and the Fourth Council of Toledo, over which Isidore presided. Marriage and women figure prominently in the *Lex Visigothorum*. Both conciliar and civil legislation target Jews as “enemies” of Christian “unity,” and in so doing, establish a political model decidedly different from that of late antiquity.

of *Early Medieval Spain*, Translated Texts for Historians 9, Liverpool: Liverpool University Press, 1990, pp. 81-110.

⁴ *La colección canónica Hispana*, eds. Gonzalo Martínez Díez and Félix Rodríguez, 6 vols., Madrid: Consejo Superior de Investigaciones Científicas, 1966-1997. Volume V of the series, edited by Félix Rodríguez and published in 1992, contains a critical edition of the Latin texts of the Third and Fourth Councils of Toledo. These Spanish councils have been published previously in a non-critical Latin edition with Spanish translation; *Los concilios visigóticos e hispano-romanos*, eds. José Vives, Tomás Marín Martínez, and Gonzalo Martínez Díez, Barcelona-Madrid, 1963. The Third and Fourth Councils of Toledo appear for the first time in an original English translation as Appendices A and B of this dissertation.

⁵ The standard Latin edition of the *Lex Visigothorum* is still that contained in *Monumenta Germaniae Historica, Leges Visigothorum*, ed. Karl Zeumer, *Leges Nationum Germanicarum*, Tom. 1, Hannover and Leipzig, 1902, with Latin commentary. The law code can be found in a Latin-Spanish edition; *Fuero juzgo en Latín y Castellano*, Madrid: Real Academia Española, 1815. For an English translation of the *Visigothic Code*, see: *The Visigothic Code*, ed. and transl. S. P. Scott, Washington, D.C., 1910.

Significant religious tension existed among the peninsula's Visigothic Arian, Hispano-Roman Nicene, and Jewish communities in one of the earliest and most extensive Germanic kingdoms of the medieval West.⁶ Although modern scholars have recognized this tension in the primary sources, they have not explained it.⁷ As a result, the marital rhetoric and gendered imagery of the sources have been interpreted as evidence of "harmonious" Christian "unity," rather than as a code for the expression of conflicts between the kingdom's ruling Visigothic minority and the subject Hispano-Roman majority.⁸ Examination of the sources – narrative, conciliar, and legal – re-opens

⁶ This religious tension stemmed in part from the Visigoths' conversion to Arian Christianity, which they adopted in the fourth century A.D. and brought with them into the western empire. In the early fifth century, the conquering Visigoths' conversion separated and alienated them from their Gallo-Roman and Hispano-Roman subjects, who were predominantly Nicene Christians. These divisions continued after the Franks (recent converts to Nicene Christianity) drove the Visigoths out of most of their holdings in southern Gaul in 507. Moving into Spain, the Visigoths established their capital at Toledo shortly afterward, and these same religious divisions continued in the peninsula throughout the sixth century. After the conversion of the Visigothic king, Reccared (586-601), to Nicene Christianity early in his reign, they took on a different form as the Trinitarian Visigoths, now religiously aligned with their Hispano-Roman Christian subjects, faced other Visigoths who were not as ready to convert. In addition, there was a large Jewish community in Spain dating back to at least the second century A.D., whose presence and treatment posed religious problems that only intensified after the Visigoths' conversion. On the conversion of the Visigoths to Arianism in the mid-fourth century by the Christian missionary Ulphilas and the political activities of their high chief, Fritigern, who led them into the Roman Empire as part of a compact with the eastern Roman emperor Valens, himself an Arian, see Herwig Wolfram, *History of the Goths*, transl. Thomas J. Dunlap, Berkeley, Los Angeles, London: University of California Press, 1988, pb. 1990, pp. 64-85. On the presence and treatment of Jews in early medieval Spain, see the still-useful monograph of Solomon Katz, *The Jews in the Visigothic and Frankish Kingdoms of Spain and Gaul*, Cambridge, Massachusetts: The Mediaeval Academy of America, 1937.

⁷ For example: E. A. Thompson, *The Goths in Spain*, Oxford: Clarendon Press, 1969, pp. 76-77; Roger Collins, *Early Medieval Spain: University in Diversity, 400-1000*, 2nd ed., New York: St. Martin's Press, 1983, 1995, p. 51; and *Lives of the Visigothic Fathers*, ed. and transl. Andrew Fear, Translated Texts for Historians 26, Liverpool: Liverpool University Press, 1997, pp. xx-xxi; *Las Historias de los Godos, Vandalos y Suevos de Isidoro de Sevilla: Estudio, Edición Crítica y Traducción*. In this last, the critical editor of Isidore's *Historia* indicates in a brief footnote a stance typical of other (especially Spanish) historians: "No entramos en el motivo de que las fuentes hispanas ignoren la cuestión religiosa," pp. 22-23, n.35.

⁸ On historiographical problems associated with religion and Spanish nationalism see: Kim Bowes and Michael Kulikowski, "Introduction: The historiography of Spanish late antiquity," in *Hispania in Late Antiquity: Current Perspectives*, eds. K. Bowes and M. Kulikowski, Leiden and Boston: Brill, 2005, pp. 1-26; Peter Linehan, *History and the Historians of Medieval Spain*, Oxford: Clarendon Press, 1993, pp. 1-

an important issue in the history of Visigothic Spain: to explain the conflicts that characterized the period of so-called “unification” between 579 and 654 A.D. A re-examination of the sources of political discourse will highlight the *disunity* between the ruling Visigoths and their Hispano-Roman subjects.⁹

SIGNIFICANCE

This study fills an important gap in the historical literature by challenging a set thesis concerning the paradigm of Christian “unity.” It contributes a rereading of the available sources to posit a new discourse, thus far, undocumented in the history of early medieval Spain. Based on the Christian discourse of late antiquity that utilized marriage and gender to express conflicts over authority, disputes surface over the balance of power between the ruling Visigothic minority and the subject Hispano-Roman majority, often characterized as opposing masculine and feminine forces. Negotiations over authority are framed as attempts to achieve marital harmony. Exploring these sources yields clues

50; Peter Linehan, “Religion, Nationalism and National Identity in Medieval Spain and Portugal,” in *Religion and National Identity, Studies in Church History*, Vol. 18, Oxford: Basil Blackwell, 1982, pp. 161-200; and in the same volume, Frances Lannon, “Modern Spain: the project of national Catholicism,” pp. 567-590. For a recent study of the Third and Fourth Councils of Toledo, which argues their failure to achieve consensus, see: Rachel Stocking, *Bishops, Councils, and Consensus in the Visigothic Kingdom, 589-633*, Ann Arbor: University of Michigan Press, 2000.

⁹ The five major sources of this dissertation are Visigothic sources, which is used to refer to the Visigothic period in which they were produced. The sources are not Visigothic in the sense that they were generated by Visigoths, since with one exception, the Visigothic Nicene John of Biclarum (*fl.* 590/91 A.D.), the Visigothic *corpus* was written or mediated (i.e. edited, collated, etc.) by Nicene Hispano-Romans.

to religio-political conflicts that characterized the early medieval Spanish kingdom and broadens historical understanding of the period.

The five texts examined in this dissertation – two narrative, two conciliar, and one legal - are among the best-known primary sources for the history of early medieval Spain. Leander of Seville's *Rule for Nuns* was used as a female monastic rule throughout Spain until the spread of Benedictine monasticism in the peninsula in the eleventh century.¹⁰ His homily delivered at the Third Council of Toledo, at which he was a major figure, has been interpreted by scholars as the first Spanish statement of national religious unity.¹¹ Leander's younger brother and successor to the episcopal see of Seville (c.600 A.D.), Isidore, was, in company with Jerome and Augustine of Hippo, one of the most-copied Christian authorities in the medieval period. Isidore presided over the Fourth Council of Toledo and authored a substantial surviving *corpus*. Later canonized and named a Doctor of the church, Isidore's pedagogical influence on the European Middle Ages was significant, and his writings have a long and broadly diffused manuscript tradition dating from the mid-seventh to the sixteenth century.¹² Isidore's *History of the Goths*

¹⁰ Leander of Seville was the elder brother and episcopal predecessor of his more famous younger brother, Isidore. Leander was hailed as an instrument in the Arian Visigoths' religious conversion to the faith of the Hispano-Roman Nicene majority that occurred in the late sixth century and on this basis, later canonized. On Leander as a subject of patrology, see: J. Tixeront, *A Handbook of Patrology*, transl. S. A. Raemers, St. Louis, Missouri and London, England: B. Herder Book Co., 1951, pp. 368-369; and F. Cayré, A.A., *Manual of Patrology and History of Theology*, trans. H. Howitt, A.A., 2 vols., Paris, Tournai, Rome, Desclée & Co., 1940, II. 255-257. The latter refers to Leander of Seville as the "apostle of the Visigoths." On the medieval use of Leander's so-called Rule for Nuns, see: *Iberian Fathers: Martin of Braga, Paschasius of Dumium, Leander of Seville*, pp. 179-181.

¹¹ For confirmation of this general sentiment and criticism of it, see: Peter Linehan, *History and the Historians of Medieval Spain*, p. 23.

¹² Jacques Fontaine, *Isidore de Séville: Genèse et originalité de la culture hispanique au temps des Wisigoths*, Turnhout: Brepols Publishers, 2000, p. 8. Also: J. Tixeront, *A Handbook of Patrology*, pp. 366-373; and F. Cayré, *Manual of Patrology and History of Theology*, II. 258-266.

functioned as an exemplar of medieval historiography,¹³ and it has typically been interpreted as an endorsement of Gothic rule in Spain.¹⁴

The Third and Fourth Councils of Toledo were seminal events intended to formalize the religious and political Christian unification of the formerly Arian Visigoths and their Hispano-Roman (Nicene Catholic) subjects, to the increasing exclusion of the kingdom's Jewish population. In addition to being significant and well-documented historical events, the two councils formed the centerpiece of the medieval collection of Spanish ecclesiastical councils known as the *Hispana*, which included Spanish conciliar texts from the fourth century to the eighth.¹⁵ The Third and Fourth Councils of Toledo provide some of the most extensive and detailed conciliar data for the history of the Visigothic kingdom in Spain. They and the *Hispana* collection of which they formed a significant part were important sources of canonical legislation for a number of medieval canon law collections, such as those of Ivo of Chartres and Burchard of Worms, as well as Gratian's compendium of laws and decretals.¹⁶

Another type of legislation, the Visigothic law code, compiled and promulgated by royal order in c.654 A.D., exhibits conflicts over power between Goths and Romans

¹³ Cristóbal Rodríguez Alonso, *Las Historias de Los Godos, Vandalos y Suevos de Isidoro de Sevilla*, p. 14.

¹⁴ A. H. Merrills, *History and Geography in Late Antiquity*, Cambridge: Cambridge University Press, 2005, is the only exception of which I am aware. This monograph, originally a doctoral dissertation under the direction of Rosamond McKitterick, compares the relationship between geography and history in Orosius, Jordanes, Isidore and Bede. Merrills' study devotes fifty pages to Isidore's *Historia gothorum*, about which more will be said in Chapter Four of this dissertation.

¹⁵ For the best scholarly discussion of the *Hispana* and its content, transmission, and influence see: *La colección canónica Hispana, Vol. I: Estudio*, Gonzalo Martínez Díez, S.I., *Monumenta Hispaniae Sacra, Serie canónica*, Madrid: Consejo Superior de Investigaciones Científicas, Instituto Enrique Flórez, 1966.

¹⁶ A brief English-language summary of the *Hispana*'s medieval significance can be found in: James A. Brundage, *Medieval Canon Law*, London and New York: Longman, 1995, 1997, pp. 10-11, and 28.

through an enactment of marital and gendered imagery into law. The civil code of the Spanish Visigothic kingdom was the first territorial law code issued by the Visigoths that was intended to govern all the kingdom's inhabitants, regardless of ethnic or religious affiliation. After 711 A.D., the code was probably used by Christians in the northwest of the peninsula, and elsewhere, for example, in Toledo and Barcelona.¹⁷ Although the Visigothic code was superseded by later medieval legal compilations, the Visigothic laws themselves did not simply fade from memory, but formed the basis of the medieval Spanish code of the thirteenth-century Christian ruler, Alfonso X (1221-1284).¹⁸ This medieval code, known as *Las Siete Partidas*, memorialized the laws of the seventh-century Visigothic kings in many of its provisions, and was promulgated in the fourteenth century.¹⁹ Subsequently, by way of the Alfonsine code, Visigothic laws made their way everywhere in the world the Spanish flag flew, from the fifteenth century to the twentieth.²⁰

The historical trajectory of the figures and sources of the Visigothic period has been long and broadly diffused. A more nuanced understanding of them is useful to

¹⁷ E. N. Van Kleffens, *Hispanic law until the end of the Middle Ages*, Edinburgh: Edinburgh University Press, 1968, pp. 45-84. According to Van Kleffens, "With the exception of Justinian's legislation, this seventh-century Visigothic law book has enjoyed a wider authority during a longer time than any other code of secular law." Ibid, p. 80. According to Joseph O'Callaghan, *A History of Medieval Spain*, Ithaca and London: Cornell University Press, 1975, pb. 1983, pp. 450-451, King Fernando III (1217-1252) of León and Castile ordered the *Lex visigothorum* translated into Castilian, whence it became known as the *Fuero juzgo*. On the history of Spanish law, see generally: Alfonso García Gallo, *Manual de historia del derecho español*, 1934. On Toledo's laws, see the fourteenth-century chronicle of Pedro López de Ayala, *Corónica del rey don Pedro*, eds. Constance L. Wilkins and Heanon M. Wilkins, Madison: Hispanic Seminary of Medieval Studies, 1985.

¹⁸ Joseph F. O'Callaghan, *The Learned King: The Reign of Alfonso X of Castile*, Philadelphia: University of Pennsylvania Press, 1993, especially pp. 31-37.

¹⁹ Ibid.

²⁰ E. N. Van Kleffens, *Hispanic law until the end of the Middle Ages*, pp. 255-282.

scholars of the late classical, medieval, and early modern periods. According to J. N. Hillgarth, the Visigothic period has also been a subject of Spanish history and myth, dating from the kingdom's conquest by Muslims from the Middle East and their North African followers in the early eighth century.²¹ Peter Linehan has argued that Visigothic "unity" provided a powerful model, however fallacious, for subsequent Spanish Christian rulers intent on recovering peninsular territory from Muslim occupation from the eleventh to the fifteenth century.²² Richard Kagan has shown that Isidore's *History of the Goths* was a useful historiographical tool with which early modern Spanish rulers justified territorial expansion.²³

Historical figures from the Visigothic period, such as Leander and Isidore of Seville, their younger brother, Fulgentius, and sister, Florentina, were upheld as Christian exemplars in later centuries. Spanish Cardinal Francisco Ximenes de Cisneros was responsible for reviving the cults of Isidore and his siblings.²⁴ In addition to being a royal adviser, Cisneros, a member of the Franciscan order, served as confessor to Isabel of Castile, archbishop of Toledo, primate of Spain, chief Inquisitor, and twice regent of the Castilian monarchy (1507/8 and 1516/17 A.D.).²⁵ His revival of the cults of Leander, Isidore, and their lesser-known siblings in the late fifteenth century reflects the historical

²¹ J. N. Hillgarth, *The Visigoths in History and Legend*, pp.57-66 ff. See also, Peter Linehan, *History and Historians of Medieval Spain*, pp. 51-94.

²² Ibid, pp. 95-312; J. N. Hillgarth, *The Visigoths in History and Legend*, pp. 82-139.

²³ On the use of "official histories," in early modern Spanish historiography, see: Richard L. Kagan, *Clio and the Crown: The Politics of History in Medieval and Early Modern Spain*, Baltimore: The Johns Hopkins University Press, 2009.

²⁴ For example: "*Vita Sancta Florentina*," *Acta Sanctorum (AASS)*, Jun. III, Jun. XX, ed. Joannes Bollandus, *et al.*, nov. ed., ed. J. Carnandet, *et al.*, 64 vols., Paris, 1863- , pp. 16-18.

²⁵ Erica Rummel, *Jiménez de Cisneros: On the Threshold of Spain's Golden Age*, Tempe, Arizona: Arizona Center for Medieval and Renaissance Studies, 1999.

significance of these figures from the Visigothic period during a period of territorial unification and extra-peninsular expansion under *los reyes católicos*, Ferdinand of Aragon and Isabel of Castile.

In spite of the significance of these sources and their authors and compilers in the Spanish and broader historical contexts, no monographic study has investigated whether the marital rhetoric and gendered imagery of Leander of Seville's so-called *Rule for Nuns*, Isidore of Seville's *History of the Goths*, the Third and Fourth Councils of Toledo, and the Visigothic law yield important information concerning the religio-political conflicts of the period. Suggestions have been made that the texts lack both transparency and consensus, but scholars continue to interpret the period as a drive toward religious, political, and legal unification.²⁶ This study seeks to establish evidence of the kingdom's religio-political conflicts by treating the primary texts described above as constructed, symbolic depictions of a reality that was simultaneously more complex and less cohesive than might appear.

²⁶ For example: Rafael Altamira, *A History of Spain: From the Beginnings to the Present Day*, transl. Muna Lee, Toronto, New York, London: D. Van Nostrand Company, Inc., 1949, repr. 1952; E. A. Thompson, *The Goths in Spain*, Oxford: Clarendon Press, 1969; Joseph F. O'Callaghan, *A History of Medieval Spain*, Ithaca: Cornell University Press, 1975, pb. 1983; José Orlandis, *Historia del reino visigodo Español*, Madrid, Ediciones Rialp, S.A., 1988; and Luís A. García Moreno, *Historia de España visigoda*, Madrid: Ediciones Cátedra, S.A., 1989; *Historia de España Menéndez Pidal: España visigoda*, Tom. III, Vols. 1-2; Madrid: Espasa-Calpe, S.A., 1991; José Orlandis, *La vida en España en tiempo de los godos*, Madrid: Ediciones Rialp, S.A., 1991; Roger Collins, *Early Medieval Spain: Unity in Diversity, 400-1000*, 2nd ed., New York: St. Martin's Press, 1995; and Roger Collins, *Visigothic Spain, 409-711*, Oxford: Blackwell Publishing Ltd, 2004.

THEORY

An intellectual history that relies on an interpretative approach to the texts, this study utilizes the theories of Joan Scott on the relationship between gender and power in order to explore the use and purpose of marital rhetoric and gendered imagery in the primary sources. In her important work on gender and history, Joan Scott defines gender as “knowledge about sexual difference” (by which she means “the understanding produced by cultures and societies of human relationships”) to argue that the uses and meanings of gender “become contested politically and are the means by which relationships of power – of domination and subordination – are constructed.”²⁷

This dissertation utilizes Scott’s definitions of gendered images that contrast masculine and feminine elements to suggest the elaboration of differences, the establishment of hierarchies of authority, and the contestation of power. Moreover, the invocation of the marital relationship provides an analogy with which to express and justify dominance and subordination through categorical sexual differences. Scott’s elaboration of gender as a political construct, therefore, informs the thesis of this dissertation: that the marital and feminine imagery of the sources articulate political and religious conflict, and that they do so across a variety of genres, which subsequent historiography has treated as normative and prescriptive products of social consensus.

²⁷ Joan Wallach Scott, *Gender and the Politics of History*, *Gender and Culture Series*, New York: Columbia University Press, 1988, p. 2; and Joan W. Scott, “Gender: A Useful Category of Historical Analysis,” *The American Historical Review*, Vol. 91, No. 5 (Dec., 1986) 1053-1075.

In addition to Scott's rendering of gender as a category of historical analysis, this study utilizes Pierre Bourdieu's notion of *doxa* to describe political discourse between subordinate and dominant parties. In Bourdieu's conceptual framework for the study of power relationships as discourses, the realm of *doxa* includes concepts which appear as self-evident or taken for granted, and therefore, admit no dispute; it also includes views or opinions on the "natural" order which are too sensitive to discuss openly.²⁸ In contrast, outside the *doxa* exists a broader *locus* for the articulation of contested ideas, in which positions are expressed as orthodox (right opinion), heterodox (differing opinion), or heresy (wrong opinion).

Supplementing Scott's theory as an aid to understanding how political disputes were framed in gendered terms, Bourdieu's anthropological theory of discourse aims at examining disputes between dominant and subordinate parties. Relative to Bourdieu's theory, sources produced or mediated by Hispano-Roman Nicene bishops represent the religious faith of the subject Christian majority as orthodox and that of the ruling Visigothic Arian minority as heretical. At the same time, the political dominance of the Visigothic party is opposed by these same Hispano-Romans, who seek greater authority for themselves. In the texts, disputes over power expressed with marital rhetoric and gendered imagery (not always consistently applied) emerge from the *doxa* of uncontested ideas. This occurs when marital rhetoric is used to express religio-political differences

²⁸ Pierre Bordieu, *Outline of a Theory of Practice*, *Cambridge Studies in Social and Cultural Anthropology* 16, transl. Richard Nice, Cambridge: Cambridge University Press, 1977, repr. 2009, pp. 164-171, originally published as *Esquisse d'une théorie de la pratique, précédé de trois études d'ethnologie kabyle*, Switzerland: Librairie Droz S.A., 1972. Pierre Bourdieu, *Pascalian Meditations*, transl. Richard Nice, Stanford: Stanford University Press, 2000, p. 188, first published as *Méditations pascaliennes*, Paris: Editions du Seuil, 1997.

between Arian Visigoths and Nicene Hispano-Romans. It also occurs when gendered imagery is employed to illustrate the relationship between the ruling and subject populations as opposing forces with different, constructed identities. From conflicts over power and status, therefore, come labels of “orthodoxy” and “heresy.”

Reliance on these theories in the present study rests on the understanding that in late classical and early medieval culture, speech was free neither in the acquisition, nor in the use. Augustine’s well-known account in the *Confessions* details the economic hardship his family endured to finance his rhetorical education.²⁹ As Peter Brown has shown, free speech (or *parrhésia* as it was known in the ancient Greek-speaking world) was the privilege of only a chosen, well-educated few.³⁰ Even among those few, the exercise of *parrhésia* was a delicate matter, and required good timing to be effective.³¹ In the sources of this dissertation, marital rhetoric and gendered imagery signal conflicts between dominant and subordinate parties over matters that did not always lend themselves to open discussion. These matters included the legitimacy of Visigothic rule, contested rights to power, status, and wealth, and relations between the ruling minority and the subject majority.

²⁹ Peter Brown, *Augustine of Hippo: a biography*, Berkeley and Los Angeles: University of California Press, 1967, pb. 1969, pp. 35-39, citing Augustine, *Confessions*, II.iii.6, p. 38.

³⁰ Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian Empire*, Madison, Wisconsin and London, England: The University of Wisconsin Press, 1992, p. 31, *passim*.

³¹ *Ibid.*

METHODOLOGY

These theoretical approaches inform a historical methodology that reads the rhetoric of the texts for evidence concerning the use of marriage, women, and wealth as codes for conflicts between men. This study argues that the primary sources raise the overarching question of co-existence between indigenous Hispano-Romans and their Gothic conquerors in gendered terms that suggest ongoing disputes over power in the period of Visigothic “unity.” Either written or mediated by Nicene Hispano-Roman bishops, the sources dispute the idea of Gothic domination as inevitable, uncontestable, and orthodox. This occurs in the narrative and conciliar sources, written or mediated by Leander and Isidore of Seville, as well as in the Visigothic law code, which Isidore’s episcopal protégé, Braulio of Saragossa, collated and edited.

It is significant that no Arian texts survive from Visigothic Spain.³² Labels of “orthodoxy” and “heresy” are, nevertheless, disputed by ruling and subject parties in debates over religious and political “unity” between 579 and 654 A.D. The sources produced in Visigothic Spain, while often cryptic, are far from silent on contemporary religio-political conflicts. The use of marital rhetoric and gendered imagery in the texts should signal - as they did to contemporaries discussing the sensitive issues of authority and rightful exercise of power - that conflicts between Arian Visigoths and Nicene Hispano-Romans were the real and possibly dangerous issues under discussion.

³² For a discussion of the evidence provided by the surviving Arian *corpus* see: R. P. C. Hanson, *The Search for the Christian Doctrine of God: The Arian Controversy, 318-381*, Edinburgh: T. & T. Clark, 1988, pp. 99-128. For a list of ten surviving Arian credal documents see: Daniel H. Williams, *Ambrose of Milan and the End of the Nicene-Arian Conflicts*, Oxford: Clarendon Press, 1995, Appendix IV, “Credal Documents of Latin Homoianism.”

The methodology used in this study considers the sources on literal and metaphorical levels, while at the same time opposing their interpretation solely as expressions of “unity.” Such a methodology has precedents. Christian exegetes in the late classical and early medieval periods often interpreted their source and proof texts in a variety of senses: literal (historical), metaphorical (moral), tropological (spiritual), and anagogical (mystical). They did so in a variety of genres, including scriptural commentaries, homilies, treatises, and letters, for a variety of reasons: to reconcile the Old and New Testaments; to interpret Scripture in light of their Greek philosophical training or *paidaea*; to elucidate or defend a particular doctrinal stance; and to combat the views of their theological opponents.³³ Nicene patristic authors, especially, differentiated themselves from Jewish and Arian ones on the basis of this exegetical method, in which the literal sense was considered to be the most “historical,” but the least valuable for understanding the full revelation in Scripture of God’s will and purpose for His creation.³⁴ As Henri de Lubac has shown in his study of medieval exegetical methods, Isidore of Seville used three, and sometimes four, of these senses in his own

³³ For the role of exegesis in establishing the Christian canon of Scriptures, doctrines, creeds, and polemics from the first through the fourth centuries, see, generally: J. N. D. Kelly, *Early Christian Doctrines*, San Francisco: Harper & Row, Publishers, 1960, rev. ed., 1978.

³⁴ Also see generally, J. N. D. Kelly, *Early Christian Creeds*, 3rd ed., London: Longman Group, Limited, 1950, 1972; and Frances Young, *From Nicaea to Chalcedon: A Guide to the Literature and its Background*, London: SCM Press Ltd, 1983, repr. 1996.

exegetical works.³⁵ Isidore was also instrumental in transmitting these exegetical methods to later medieval authors *via* his extensive written *corpus*.³⁶

The Visigothic texts have been interpreted as evidence of “unity,” but they have also been accepted at face value as being no more than what they purport to be. Leander’s so-called *Rule for Nuns* has been read for centuries as a female monastic rule, Isidore of Seville’s *History of the Goths* as a straightforward chronology of Gothic rule in Gaul and Spain, and the Toledan councils and Visigothic law as authoritative legal sources. This study also reads them on a metaphorical level in which “marriage” represents conflicts over orthodoxy, status and wealth, rather than “unity.” Male and female images in the texts, while not always consistently applied, refer to opposing Visigothic and Hispano-Roman parties in the conflicts.

The nature of the primary sources, the theoretical approaches to the rhetoric of the texts, and the methodology described above present a problem of theory-versus-practice in reading women as metaphors, rather than women *qua* women. A master’s thesis previously examined the Visigothic sources of this dissertation, with the exception of Leander’s so-called *Rule for Nuns*, in a comparative legal history to determine the source

³⁵ Henri de Lubac, *Medieval Exegesis*, 2 vols., transl. Mark Sebance, Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1998, orig. publ. as *Exegèse médiévale*, Paris: Editions Montaigne, 1959.

³⁶ Isidore of Seville, *Etymologies* VI.10: “The entire content of both Testaments is characterized in one of three ways, that is, as narrative (*historia*), moral instruction (*mores*), or allegorical meaning (*allegoria*). These three are further divided in many ways: that is, what is done or said by God, by angels, or by humans; what is proclaimed by the prophets about Christ and his body [that is, the Church], about the devil and his members, about the old and the new people, about the present age and the future kingdom and judgment.” *The Etymologies of Isidore of Seville*, eds. Stephen A. Barney, W. J. Lewis, J. A. Beach, Oliver Berghof, Cambridge: Cambridge University Press, 2006, p. 135.

of women's legal rights in Visigothic law.³⁷ Reading the texts literally, as if they referred to real women, this earlier study concluded that legal parity for women was a significant feature of the Visigothic Code. It further concluded that the source of this parity was Isidore of Seville's valorized conceptualization of *Mater Spania*, a term the bishop used to refer to Spain and its Hispano-Roman (Christian) population.

These conclusions did not satisfactorily explain the rhetoric and imagery of the Visigothic sources. In order to achieve that purpose, the present study was designed to re-examine the texts, to translate them, and to unravel the coded language of the texts written in the religio-political *milieu* of late sixth- and early seventh-century Spain. This is not a history about women, but one in which gender is elaborated in male-authored sources for the purposes of contesting and negotiating power and status between men.³⁸

There is a certain irony between the lack of knowledge of real women and the rules for women, which proliferate in Leander's treatise on virginity, the councils of Toledo, and the Visigothic law. In these exclusively male writings, women are crucial symbolic applications, but women's lives and the impact which the canonical and civil legislation had on them during the Visigothic period cannot be determined with any

³⁷ Elizabeth G. Dickenson, *The Royal Genealogy of Mater Spania: An Isidorean Legacy*, M.A. Thesis, Dallas, Texas: Southern Methodist University, 2001.

³⁸ These aspects of women-as-metaphor in early Christian and late classical texts have been described usefully by: Elizabeth A. Clark, "Ideology, History and the Construction of 'Woman' in Late Ancient Christianity," *A Feminist Companion to Patristic Literature*, eds. Amy-Jill Levine and Maria Mayo Robbins, *Feminist Companion to the New Testament and Early Christian Writings* 12, London and New York: T&T Clark International, pp. 101-124; and in the same volume, Ross S. Kraemer, "When is a Text About a Woman a Text About a Woman?: The Cases of Aseneth and Perpetua," pp. 156-172; the answer given by Kraemer is "rarely," if ever.

clarity from the available evidence.³⁹ The silence of the sources dealing with women's history cannot be overcome.⁴⁰ For example, Leander's treatise on virginity, the so-called *Rule for Nuns* addressed to his younger sister, Florentina, demonstrates on its surface what he thought was important as he attempted to persuade her to accept life as a cloistered celibate. It does not relate anything, except indirectly, about her personal circumstances, options, or choices.⁴¹ Although Florentina's cult was revived, along with that of her brothers, in the late fifteenth century, biographical details for her life are scarce, and her writings have either not been discovered, or are more likely non-existent.⁴² Florentina is emblematic of the problem of theory and practice in gender

³⁹ Only a single text among the sources of late classical or early medieval Spanish history is known to have been authored by a woman, about whom very little is known. The only female Spanish author of late antiquity is a woman whose name may have been Egeria, who may have been a nun, who may have lived in Spain or Gaul, and whose autobiographical account of a late fourth-century journey to the Holy Land exists in a single, fragmentary manuscript. *Itinerarium Egeriae, Egeria: diary of a pilgrimage*, transl. George E. Gringas, *Ancient Christian Writers* 38, New York: Newman Press, 1970. In other instances where women appear in the late classical Spanish sources as real historical figures, they typically do so in order to represent religio-political turmoil in the male-authored texts. Henar Gellego Franco, "Modelos femeninos en la historiografía Hispana tardoantigua: de Orosio a Isidoro de Sevilla," *Historia antigua XXVIII* (2004) 197-222. For a list of late classical and early medieval Spanish texts, see: M. C. Díaz y Díaz, *Index scriptorum latinorum medii aevi hispanorum*, Madrid: Consejo Superior de Investigaciones Científicas, 1959. For a list of these texts translated into English, see: Mark A. Handley, "Late Antique and Early Medieval Spain, AD 300-711: A Hand-List of Translated Texts," *Nottingham Medieval Studies*, Vol. XLIX (2005) 190-232.

⁴⁰ A point made concerning the history of women in late antiquity by Elizabeth A. Clark, "The Lady Vanishes: Dilemmas of a Feminist Historian after the 'Linguistic Turn,'" *Church History* 67:1 (March 1998) 1-31.

⁴¹ Concerning the lack of historical evidence for the ascetic experiences of women in late antiquity, see: Elizabeth Castelli, "Virginity and Its Meaning for Women's Sexuality in Early Christianity," *Journal of Feminist Studies in Religion*, Vol. 2, No. 1 (Spring, 1986) 61-88, reprinted under the same title in *A Feminist Companion to Patristic Literature*, eds. Amy-Jill Levine and Maria Mayo Robbins, *Feminist Companion to the New Testament and Early Christian Writings* 12, London and New York: T&T Clark International, pp. 72-100; and Virginia Burrus, "Word and Flesh: The Bodies and Sexuality of Ascetic Women in Christian Antiquity," *Journal of Feminist Studies in Religion*, Vol. 10, No. 1 (Spring, 1994) 27-51.

⁴² Further evidence for Florentina's existence, besides Leander's treatise on virginity ostensibly addressed to her, can be found in sixteenth-century hagiography, in Isidore of Seville's brief dedication to her of his *De fide catholica contra judeos*, written in the 620s, and in an epitaph of uncertain (but perhaps early) date dedicated to Leander, Isidore, and Florentina, a transcription of which can be found in *Patrologia Latina*,

history, and like other women in the proscriptive sources, who are the objects of male instruction, correction, and power, she is silent.⁴³

A powerful contrast between gender history and historical reality for women and others who could not compose the rules for themselves appears in the conciliar and legal texts of Visigothic Spain. The Third and Fourth Councils of Toledo legislated on male and female religious, but it is impossible to determine what influence, if any, the canonical legislation on priestly celibacy had on actual men and women. Likewise, the impact of the canonical and civil legislation on the lives of Christians and Jews cannot be determined from charters, legal cases, or other similar forms of documentation, which are lacking. Sketchy data have been recovered from *pizarras* (etched slate fragments) for inventories, manumissions, and bills of sale, but this fragmentary evidence does not typically provide information concerning religious affiliation or gender, such as name or kinship.⁴⁴ Wills, betrothal agreements, conveyances, and similar instruments from Visigothic Spain have not survived, although scribal *formulae*, which suggest how the laws may have been incorporated into such documents, are extant.⁴⁵ The sources provide little information about the lives of contemporary men and women - married and celibate,

ed. J. P. Migne, 221 vols., Paris: 1844-64, 72: 893-894. The epitaph appears in ninth and eleventh-century manuscripts catalogued by M. C. Díaz y Díaz, *Index scriptorum latinorum medii aevi hispanorum*, p. 99.

⁴³ The silence of women in male-authored religious texts is illustrated in the collection of essays, *Immaculate & Powerful: The Female in Sacred Image and Social Reality*, eds. Clarissa W. Atkinson, Constance H. Buchanan, and Margaret R. Miles, The Harvard Women's Studies in Religion Series, Boston: Beacon Press, 1985.

⁴⁴ Isabel Velázquez Soriano, *Documentos de época visigoda escritos en pizarra (siglos VI-VIII)*, Monumenta Palaeographica Medii Aevi, Series Hispanica, 2 vols., Turnhout: Brepols Publishers, 2000.

⁴⁵ For the *formulae*, see *Miscellanea Wisigothica*, ed. Juan Gil, Seville, 1972. According to Isabel Velázquez, *Documentos de época visigoda escritos en pizarra*, a number of slate fragments reflect aspects of the Visigothic formularies and laws of the seventh century.

free and unfree, Christian and Jewish - who are the ostensible subjects of texts that focus on the nature and exercise of legitimate authority. The same limitations that exist for locating the history of actual women in the sources can also be raised concerning another subject of Christian discourse in the Visigothic texts, the Jewish population.⁴⁶

HISTORIOGRAPHY

The subject of early medieval Spain, which includes the writings of Leander and Isidore of Seville, the Toledan councils, and the Visigothic law, has been treated extensively in modern historiography, as Alberto Ferreiro's multi-volume bibliographies published between 1988 and 2008 demonstrate.⁴⁷ Recent studies of ethnicity in early medieval, Germanic kingdoms have supplemented the textual evidence with

⁴⁶ The problem of male-authored, cristocentric texts and their interpretations can also be perceived in the fact that the only English-language monograph devoted solely to the study of Jews in the Visigothic kingdom is still that of Solomon Katz, *The Jews in the Visigothic and Frankish Kingdoms of Spain and Gaul*, Monographs of the Medieval Academy of America Vol. 12, Cambridge, Massachusetts: The Mediaeval Academy of America, 1937, although Jeremy Cohen has also recently examined the influence of Isidore of Seville on Jews in early medieval thought; Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*, Berkeley, Los Angeles, London: University of California Press, 1997. Modern works too numerous to list here and outside the scope of this study have treated Jews in later periods for which more records are extant, for example, in Inquisition and other studies of late medieval and early modern Spanish history.

⁴⁷ See: Alberto Ferreiro, *The Visigoths in Gaul and Spain A.D. 418-711, a bibliography*, Leiden: E. J. Brill, 1988, with over 9,000 entries; Alberto Ferreiro, *The Visigoths in Gaul and Iberia: a supplemental bibliography, 1984-2003*, Leiden and Boston: E. J. Brill, 2006, with almost 8,000 entries; and Alberto Ferreiro, *The Visigoths in Gaul and Iberia (Update): A Supplemental Bibliography, 2004-2006*, The Medieval and Early Modern Iberian World Vol. 35, Leiden and Boston: E. J. Brill, 2008, with over 2,000 entries. The three volumes together address the international secondary literature chronologically from the nineteenth century to the twenty-first. Brill has undertaken to publish the bibliography triennially henceforth, due to the quantity of entries and scholarly demand.

archaeological data in order to explain relations between ruling and subject populations.⁴⁸ Although these ethnicity studies are valuable contributions to scholarship on the early medieval period, they provide little assistance in analyzing the marital rhetoric and gendered imagery of the sources considered here. In Spain, studies of gender patterned on feminist studies in the United States have typically lagged a decade or more behind academic trends elsewhere.⁴⁹ A number of useful anthologies of Iberian historical texts and essay collections dealing with gender have appeared, but a critical reassessment of the marital rhetoric and gendered imagery of the sources has not yet been made by Spanish scholars.⁵⁰ Spanish-language studies of the Visigothic period have largely interpreted the rhetorical elements of the sources as straightforward depictions of Christian unification,⁵¹ and studies of early medieval ethnicity shed little light on the

⁴⁸ On historical definitions of ethnicity in modern nationalism, see, for example: Patrick J. Geary, *The Myth of Nations: The Medieval Origins of Europe*, Princeton and Oxford: Princeton University Press, 2002; Peter Heather, "The Creation of the Visigoths," in *The Visigoths from the Migration Period to the Seventh Century: An Ethnographic Perspective*, ed. Peter Heather, San Marino: The Boydell Press, 1999, pp. 41-72; *Strategies of Distinction: The Construction of Ethnic Communities, 300-800*, eds. Walter Pohl and Helmut Reimitz, Leiden, Boston, Köln: Brill, 1998, with a number of essays on the topic of ethnic identity in Visigothic Spain; and *Regna and Gentes: The Relationship between Late Antique and Early Medieval Peoples and Kingdoms in the Transformation of the Roman World*, eds. Hans-Werner Goetz, Jörg Jarnut and Walter Pohl, Leiden and Boston: Brill, 2003, especially the analysis by Isabel Velázquez, "*Pro patriae gentisque gothorum statv*," pp. 161-218, who sees the ruling Visigothic minority as absorbing Hispano-Romans into the *gens gothorum* in the interest of a unified *Hispania*.

⁴⁹ Spanish feminist theory, patterned on American feminism, has lagged a decade or more behind similar trends in the United States. See the preface entitled, "Mujeres e historia," in *Historia de las mujeres en España y América Latina: de la prehistoria a la edad media*, vol. I, eds. Isabel Morant, et al., Madrid: Ediciones Cátedra, 2005, pp. 7-16, and the essay by María Angeles Querol, "Las mujeres en los relatos sobre los orígenes de la humanidad," pp. 27-77, in the same volume.

⁵⁰ Recent and useful studies of women in Spanish late antiquity and subsequent periods include: *Historia de las mujeres en España y América Latina, De la prehistoria a la edad media; Textos para la historia de las mujeres en España*, eds. Cándida Martínez López, et al., Madrid: Ediciones Cátedra, S. A., 1994; *Historia de las mujeres en España*, eds. Elisa Garido, et al., Madrid: Editorial Síntesis, S. A., 1997; and *Mujeres en la historia de España: Enciclopedia biográfica*, eds. Cándida Martínez López, et al., Barcelona: Editorial Planeta, S. A., 2000.

⁵¹ Exceptions, albeit rare, do exist; for example, Henar Gallego Franco, "La imagen de la 'mujer bárbara': a propósito de Estrabón, Tácito y Germania," *Faventia* 21/1 (1999) 55-63; and Henar Gallego Franco,

content and purpose of texts that drew distinctions in gendered terms between ethnic and religious communities in the age of Visigothic “unity.”⁵²

Gender Historiography in Late Classical History and Religious Studies

By contrast, in the fields of late classical history and religious studies, Peter Brown, Averil Cameron, Kate Cooper, Susanna Elm, David Hunter, Virginia Burrus, and Elizabeth Clark, among others, study the prevalence of gendered rhetoric in early Christian texts and the ways in which male authors used it to frame and conduct debates.⁵³ Peter Brown argues that women, or the image of women, played an important role in the “imaginative economy” of the church and of Christian authors concerned with the issue of loyalty in a pagan environment.⁵⁴ In this context, male writers used women to “think with,”⁵⁵ and Christian polemics concerning the benefits of virginity over marriage masked a more basic conflict between ecclesiastics over hierarchy and authority.

“Modelos femeninos en la historiografía Hispana tardoantigua: de Orosio a Isidoro de Sevilla,” *Historia antigua* XXVIII (2004) 197-222.

⁵² For an analysis of Spanish historiography in the twentieth century that describes these very trends in some detail, see: Kim Bowes and Michael Kulikowski, *Hispania in Late Antiquity: Current Perspectives*, Leiden: Brill, 2005, pp. 1-26, according to whom it is “difficult to separate the useful from the doctrinaire” in Spanish historiography.

⁵³ For discussions of the development of “religious studies” in North America and overviews of current scholarship, see the various essays with relevant bibliographies in *The Oxford Handbook of Early Christian Studies*, eds. Susan Ashbrook Harvey and David G. Hunter, Oxford: Oxford University Press, 2008.

⁵⁴ Peter Brown, *The Body and Society: Men, Women and Sexual Renunciation in Early Christianity, Lectures on the History of Religions New Series* 13, New York: Columbia University Press, 1988, pp. 153-154.

⁵⁵ *Ibid*, p. 153, n.57.

Scholars have further developed Brown's thesis to show how patristic authors used rhetorical strategies involving women and images of women to stress masculine authority. Averil Cameron proposes that Christian writers developed a discourse of empire, patterned on the writings of late classical pagan authors, in which marital concord (*concordia*) was an emblem of civic harmony. Marital rhetoric was also understood by contemporaries to signal conflicts over power between secular and ecclesiastical interests.⁵⁶ This dissertation extends such findings on late classical, Christian discourse to the Visigothic period to show how images of marriage and women function in the rhetorical economy of an early medieval polity.⁵⁷ In the sources of this dissertation, marriage and women signify disputed claims between men over orthodoxy, wealth, and status.⁵⁸ This occurs, for example, in Leander of Seville's so-called *Rule for Nuns*, where he claims his sister's share of the parental estate for the church.⁵⁹ In his Homily at the conclusion of the Third Council of Toledo, Leander employs Sarah and Abraham from the Old Testament book of Genesis as a metaphor for the beauty and endowment of *mater ecclesia* that, although the desire of kings, rightly exists for the enrichment of her divine Spouse, Christ.⁶⁰

⁵⁶ Averil Cameron, *Christianity and the Rhetoric of Empire: The Development of Christian Discourse*, Sather Classical Lectures Vol. 55, Berkeley and Los Angeles, California: University of California Press, 1991, pb. 1994.

⁵⁷ The term "rhetorical economy" refers here to the interplay between persuasive discourse and the production and transfer of wealth.

⁵⁸ For an example of marriage, women, and wealth in the "rhetorical economy" of Visigothic Spain, see Leander of Seville's homiletic reference to Sarah and Abraham as an allusion to the patrimony of the Spanish Nicene church, Appendix A, pp. 371-72.

⁵⁹ *De institutione virginum*, Praefatio 1, p. 98; Barlow, p. 183.

⁶⁰ *CCHV*, pp. 149-150; App. A, pp. 371-372. For the scriptural references, see Genesis 12:10-20 and 20:11-18.

In late classical, Christian rhetoric that represented women and their wealth as endowments of the church, an emphasis on the benefits of virginity over marriage was another important element. Relative to the development of ascetic politics in the Christian discourse of the late fourth century, Susanna Elm focuses on the increasing institutionalization of female sexual asceticism as an aspect of Christological debates between Arian and Nicene Christians. In these debates, female ascetics or “virgins” were important to the church for their wealth and their support of the male hierarchy.⁶¹ Women were also the subject of conflicts between men concerned with public authority and ecclesiastical preferment.⁶² According to David Hunter, “the figure of the virgin bride is also related to a particular self-representation, that is, to a construction of the author’s own authority, specifically in relation to ascetic women.”⁶³ As this study will show, the ideal of the virgin bride appears prominently in Leander’s *Rule for Nuns* and in his Homily at the Third Council of Toledo, as well as in conciliar canons and extensive

⁶¹ Susanna Elm, *‘Virgins of God’: The Making of Asceticism in Late Antiquity*, Oxford, Clarendon Press: 1994; also, Elizabeth A. Clark, “Antifamilial Tendencies in Ancient Christianity,” *Journal of the History of Sexuality*, Vol. 5. No. 3 (Jan., 1995) 356-380.

⁶² The term “public authority” as used here makes reference to the following definitions. “*Publice*. In public, in the public interest, in a public place (in court).” Adolph Berger, *Encyclopedic Dictionary of Roman Law*, Transactions of the American Philosophical Society, New Series – Volume 43, Part 2, Philadelphia: The American Philosophical Society, 1953, p. 661. “*Auctoritas*. Authority, prestige; it is a moral power rather than a legal one. The term is used with regard to groups or persons who command obedience and respect. In this sense, literary and legal texts speak of *auctoritas* of the people (*populi*), of the emperor (*principis*), of the magistrates, judges, and jurisconsults, of a father or parents, as well as that of a statute, the law in general or of judicial judgments. ... The significance varies according to the context in which it is used.” Ibid, p. 368. On the specific development of episcopal authority in the fourth century, which she defines as spiritual, ascetic, and pragmatic, see Claudia Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition*, The Transformation of the Classical Heritage Series, Vol. XXXVII, Berkeley and Los Angeles, California: University of California Press, 2005.

⁶³ David G. Hunter, “The Virgin, the Bride, and the Church: Reading Psalm 45 in Ambrose, Jerome, and Augustine,” *Church History*, Vol. 69, No. 2 (Jun., 2000) 281-303. See also the important study on marriage and virginity debates in the patristic sources of the late fourth century in: David G. Hunter, *Marriage, Celibacy, and Heresy in Ancient Christianity: The Jovinianist Controversy*, Oxford Early Christian Studies, Oxford: Oxford University Press, 2007, pb. 2009.

Visigothic legislation where wealth is at issue. In these sources, the virgin bride also functions as an element of self-promotion by Nicene authors, who assert their own rights to authority against a married Arian clergy on the basis of moral superiority.

Kate Cooper suggests that debates over the relative merits of marriage and virginity in these same Christian sources expressed conflicts between pro-Nicenes, as well as disputes between Arian and Nicene factions.⁶⁴ Within the pro-Nicene party, some supported clerical celibacy and lauded virginity over the married state as a means to separate the Christian community from its non-Christian neighbors and to elevate Christian leaders to positions of authority. Others supported marriage as a way of life for both Christian clergy and laity, and sought a more peaceful coexistence with non-Christians.⁶⁵ The present study argues that disparate views on virginity and marriage as ways of life and as expressions of proper relations between religious communities appear in narratives written by Leander and Isidore, in conciliar *acta* where both bishops and rulers take part in the disputes, and in the laws issued by Visigothic kings.

In late classical, ascetic politics, celibate Nicene Christian writers often claimed orthodoxy for themselves on the basis of moral superiority over married clergy and emperors. Virginia Burrus elaborates on this theme by examining the exercise of episcopal authority in an early Spanish council,⁶⁶ the “gendering of orthodoxy” by

⁶⁴ Kate Cooper, *The Virgin and the Bride: Idealized Womanhood in Late Antiquity*, Cambridge, Massachusetts and London, England: Harvard University Press, 1996, p. 4.

⁶⁵ Kate Cooper, “Insinuations of Womanly Influence: An Aspect of the Christianization of the Roman Aristocracy,” *The Journal of Roman Studies*, Vol. 82 (1992) 150-164.

⁶⁶ Virginia Burrus, “Ascesis, Authority, and Text: The Acts of the Council of Saragossa,” in *Discursive Formations, Ascetic Piety, and the Formation of Early Christian Literature*, 2 vols., Semeia Series 58, ed. Vincent L. Wimbush, Atlanta: Society of Biblical Literature, 1992, pp. 96-108.

Ambrose, late fourth-century bishop of Milan,⁶⁷ and the development of the figure of the heretical woman by Nicene polemicists in debates over orthodoxy.⁶⁸ In these debates, images of women as markers of orthodoxy depicted the heretical woman as an interloper in the marital *concordia* that existed between Christ and his church (*ecclesia*). Women and images of women, thus, functioned as powerful tools in a specifically Christian discourse.

In the context of this emerging historiography, Elizabeth Clark inquired almost a decade ago why scholars have not examined the rhetoric of the sources more closely in order to determine what marital imagery meant in different late classical contexts and how women, who figure so prominently as metaphors in the sources, might have functioned as a gendered “code for other concerns.”⁶⁹ The “code” of the sources is the historical question that this study seeks to answer in the context, not of late antiquity, but of an early medieval, Germanic kingdom.

⁶⁷ Virginia Burrus, “‘Equipped for Victory’: Ambrose and the Gendering of Orthodoxy,” *Journal of Early Christian Studies* 4:4 (1996) 461-475.

⁶⁸ Virginia Burrus, “The Heretical Woman as Symbol in Alexander, Athanasius, Epiphanius, and Jerome,” *Harvard Theological Review* 84:3 (1991) 229-48.

⁶⁹ Elizabeth A. Clark, “Women, Gender, and the Study of Christian History,” *Church History*, Vol. 70, No. 3 (Sep., 2001) 395-426; quote at. 423. For additional theoretical commentary on the use of women as code in the patristic sources, see also: Elizabeth A. Clark, “The Lady Vanishes: Dilemmas of a Feminist Historian after the ‘Linguistic Turn,’” *Church History* 67:1 (March 1998) 1-31; and Elizabeth A. Clark, “Holy Women, Holy Words: Early Christian Women, Social History, and the ‘Linguistic Turn,’” *Journal of Early Christian Studies* 6:3 (1998) 413-430.

Gender Historiography in Medieval Studies

This growing body of scholarship shows that the methodology adopted in this dissertation has been utilized to study patristic sources. A similar methodology has been employed in recent studies of medieval history.⁷⁰ In her study of the historical *genre* in the medieval period Gabrielle Spiegel proposes reading the sources as “texts”: that is to say, not as historical “documents,” but as subjective social and political constructs with their own “social logic.”⁷¹ This alternative approach, while not the only one possible, parallels that of Elizabeth Clark, who suggests the fruitfulness of reading the early Christian sources as texts constructed by late antique men with their own agendas and ways of positing those agendas.⁷²

These approaches to the “texts” of the late classical and medieval periods have also been used to inform work on various categories of late medieval religious experience. Caroline Bynum utilizes Peter Brown’s studies of the body in late classical culture to explore late medieval texts in which women and images of women are “a tool for criticism of male power and an alternative to it.”⁷³ She concludes that “in any patriarchal society men stress gender differences because such an emphasis consolidates their advantage.”⁷⁴ Employing this methodology of analyzing highly rhetorical and

⁷⁰ A point thoroughly elaborated by Elizabeth A. Clark, “Women, Gender, and the Study of Christian History,” upon which this sub-section draws.

⁷¹ Gabrielle Spiegel, *The Past as Text: The Theory and Practice of Medieval Historiography*, Baltimore: The Johns Hopkins University Press, 1997.

⁷² Elizabeth A. Clark, “Women, Gender, and the Study of Christian History.”

⁷³ Caroline Walker Bynum, *Fragmentation and Redemption: Essays on Gender and the Human Body in Medieval Religion*, New York: Zone Books, 1992, p. 37.

⁷⁴ *Ibid*, p. 177.

formally constructed texts, Amy Hollywood posits a rereading of female hagiography, in which “male-authored lives of religious women cause us to question whose body is being redeemed and by whom.”⁷⁵ These studies of gender in male-authored texts of the late classical and medieval periods reflect a problem also articulated by Elizabeth Clark of recovering “real” women in the sources, a problem which has led to the pursuit by medieval scholars of the history of women-as-metaphor.

In an essay on Carolingian sources, Julia M. H. Smith draws on the work of Peter Brown and Averil Cameron to examine the role of gender in the formation of early medieval moral and political ideologies, specifically, through medieval marriage legislation that drew on classical treatments of sexual difference.⁷⁶ Elsewhere, Smith more forcefully sets out the problem of women-as-metaphor in the medieval texts on the basis of the Christian rhetoric of late antiquity.⁷⁷ In the same volume, Janet Nelson examines the construction in male-authored texts of women as civilizing influences in the formation of courtly, and thus, chivalric society in early medieval, Germanic kingdoms.⁷⁸ In the context of late medieval reform, Conrad Leyser argues that the rhetoric of gender employed during the eleventh century refers to conflicts over land and labor between the

⁷⁵ Amy Hollywood, *The Soul as Virgin Wife: Mechthild of Magdeburg, Marguerite Porete, and Meister Eckhart*, Studies in Spirituality and Theology 1, Notre Dame, Indiana and London: University of Notre Dame Press, 2001, p. 25.

⁷⁶ Julia M. H. Smith, “Gender and Ideology in the Early Middle Ages,” *Gender and Christian Religion*, Studies in Church History 34, Woodbridge, UK and Rochester, New York: The Boydell Press, 1998, pp. 51-74.

⁷⁷ Julia M. H. Smith, “Introduction: gendering the early medieval world,” *Gender in the Early Medieval World: East and West, 300-900*, eds. Leslie Brubaker and Julia M. H. Smith, Cambridge: Cambridge University Press, 2004, pp. 1-22.

⁷⁸ Janet L. Nelson, “Gendering courts in the early medieval west,” *Gender in the Early Medieval World: East and west, 300-900*, pp. 185-197.

clergy and the laity.⁷⁹ This occurs in sources devoid of references to actual marriages and women, but laden metaphorically with both.⁸⁰

These examples reflect scholarly trends pursued in studies of women and of women-as-metaphors in the late classical and medieval periods. Following this pattern, the present study bases itself on studies of gender and the body that have informed recent historiography on the patristic period in order to illuminate religio-political conflicts in an early medieval, Germanic kingdom. Narratives, conciliar texts, and law codes produced in Visigothic Spain drew upon fourth-century precedents, which employed marital rhetoric and gendered imagery during a period of Arian-Nicene conflict. In the context of similar conflicts in the Spanish Visigothic kingdom, Leander of Seville's treatise on virginity, written in the 570s A.D., and Isidore of Seville's *History of the Goths*, written almost a half-century later in the 620s A.D., are redolent with marital and epithalamial (bridal) imagery. In addition, marital themes are prevalent in the unification agendas of the Third and Fourth Councils of Toledo (589 and 633 A.D.), upon which Leander and Isidore exercised substantial influence. Reflecting the importance of marital themes in the literary and conciliar sources, unusual aspects of the civil law of the Visigothic kingdom (654 A.D.) include a focus on marriage, inheritance, and anti-Jewish legislation as important categories of royal authority.

It is important to repeat that these sources were produced in a Germanic kingdom of the sixth and seventh centuries, a context decidedly different from that of late antiquity

⁷⁹ Conrad Leyser, "Custom, Truth, and Gender in Eleventh-Century Reform," *Gender and Christian Religion*, p. 82.

⁸⁰ Ibid.

and more akin to later medieval polities. This dissertation argues that, although based on late classical precedents, the rhetoric of texts produced in Visigothic Spain go beyond the literal to articulate conflicts over secular and ecclesiastical power and to elaborate negotiations of authority between conquering and conquered people. These patterns between Germanic rulers and subject Roman populations were characteristic of the medieval period. As such, the sources suggest important continuities of discourse between ancient and medieval male authors, who used marital and gendered imagery to express disputes over power with other men.⁸¹ They also suggest discontinuities in the elaboration of differences between ruler and ruled as developing Germanic aristocracies vied with Roman provincial claimants for secular and ecclesiastical authority.

ORGANIZATION

This dissertation's interpretation of the primary sources, laid out in seven chapters, will argue that (Arian) Visigoths and (Nicene) Hispano-Roman Christians negotiated power *via* marital rhetoric and gendered imagery. Chapter One examines Spanish political and religious "unity" as a historical concept from the Roman period up to the seventh-century Visigothic kingdom. Chapter Two considers "marriage" as a legal concept, an aspect of Christianization, and a mode of discourse in late antiquity. The

⁸¹ See, for example, David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages*, Princeton, New Jersey: Princeton University Press, 1996; and John V. Tolan, *Saracens: Islam in the Medieval Imagination*, New York: Columbia University Press, 2002.

purpose of these discussions is to provide context for the disunity and discourse of power in marital and gendered terms that appears in the texts examined in subsequent chapters.

Chapter Three suggests that Leander of Seville's so-called *Rule for Nuns* was written as a treatise on virginity in the Nicene tradition. In this tradition, the genre and its content constituted an anti-Arian political statement. In the late sixth-century, Leander's treatise expressed the strict boundaries that Nicene Christians should maintain against Arian Visigothic encroachment. Chapter Four posits that Isidore of Seville's *History of the Goths* was an historical etiology in the Old Testament tradition.⁸² Crafted to explain the origins and causes for the Visigothic kingdom in Spain, the *History* expresses ambivalence concerning Gothic rule, even after the Visigoths' conversion to Nicene Christianity in 589 A.D. Rhetorical links exist between the two texts, which utilize marital and gendered metaphors as abstractions to express concerns over Arian-Nicene relations and the exercise of royal power in the context of political instability. The narrative texts and the attitudes illustrated in them toward the ruling Visigoths provide the conceptual framework for two important contemporary ecclesiastical councils.

Chapter Five looks at the Third Council of Toledo, and Chapter Six at the Fourth Council of Toledo. Leander played a prominent role at the Third Council of Toledo; Isidore presided over the Fourth. The councils were seminal events intended to formalize

⁸² The term "etiology" is defined by Isidore of Seville in the *Etymologies*, II.xxi.xxviii: "Etiology (*aetiologia*) occurs when we set forth something and give its cause and explanation." *The Etymologies of Isidore of Seville*, p. 78. The term is used here to describe Isidore's *History of the Goths*, which explains the origins and causes for the Visigothic kingdom in Spain. In modern biblical scholarship, the term "etiology" is also defined as: "A narrative that explains the origin of a custom, ritual, geographical feature, name, or other phenomenon." Michael D. Coogan, *A Brief Introduction to the Old Testament: The Hebrew Bible in Its Context*, Oxford and New York: Oxford University Press, 2009; definition, p. 426; examples of Old Testament etiologies, pp. 51, 66, 162-164-426, i.e. the Tower of Babel as an etiology or explanation of the phenomenon of the "multiplicity of languages" (p.51).

the religious and political Christian unification of the formerly Arian Visigoths and their Hispano-Roman (Nicene Catholic) subjects, to the increasing exclusion of the kingdom's Jewish population. Reflecting the rhetorical strategies of the narrative sources, the conciliar *acta* provide evidence of religious and political conflicts beneath the guise of marital union. These chapters propose that the two councils are the scenes of ongoing disputes over orthodoxy and status between Visigothic and Hispano-Roman factions. These disputes find expression in a variety of binaries, such as purity and pollution, often expressed in terms of opposed male and female images.⁸³ Original English translations of the Third and Fourth Councils of Toledo, based on the critical edition of Gonzalo Martínez Díez and Félix Rodríguez, appear in Appendices A and B.⁸⁴

Chapter Seven argues that the marital rhetoric and unification agendas contained in the literary and conciliar sources influenced marriage, inheritance, and anti-Jewish legislation in the Visigothic law code. This chapter suggests that the law code functioned as part of an ongoing political discourse between ruling and subject parties, which simultaneously sought to define the Christian community and the exercise of power in Visigothic Spain. The *Lex visigothorum* exhibits conflicts over power between Goths and Romans through the enactment of marital and gendered imagery into law, to the detriment of the peninsula's Jewish population. A Conclusion suggests that the rhetoric of the sources was empty neither of meaning, nor of consequences, beyond the temporal

⁸³ Mary Douglas, *Purity and Pollution: An Analysis of the Concepts of Pollution and Taboo*, London: Routledge and Kegan Paul, 1966, p. 4, *passim*.

⁸⁴ For ease of reference, footnotes referring to the Third and Fourth Councils of Toledo will henceforth indicate both the critical edition (ex.: *CCH* V, p. __), and the relevant appendix herein (ex.: App. A, p. __).

and spatial boundaries in which it was articulated. The effect of that rhetoric remains an open question concerning the “unity” of Visigothic Spain.

PART I

BACKGROUND

Part I's two chapters will contextualize religio-political conflicts in the Spanish Visigothic kingdom by historicizing the concepts of "unity" and "marriage." "Unity" and "marriage" are intrinsic to and inseparably linked in the sources, and are addressed here for two pertinent reasons. First, problems of "unity" provided the context and the opportunity for men to write about confessional and political conflicts with other men and to assert their own views and authority. Second, "marriage" was a euphemism which enabled such men to express often dangerous disputes and to negotiate them.

Religious and political "unity," like "marriage," involved a joining or *iunctio* of disparate parties with different origins, goals, and interests, so that the terms could be and were used ecclesiastically and politically. The Spanish Visigothic sources' repeated insistence on the need for unification, expressed euphemistically with marital rhetoric and gendered imagery, suggests that religious and political unity were ongoing problems. References to marriage and women in the texts indicate conflicts over power between men, conflicts which move from the *doxa* of uncontested ideas into the realm of disputes over the nature and exercise of public authority.

Chapter One presents in rough chronological order the issue of political and religious unity in both the Roman and the Visigothic periods. Roman unification of the Spanish peninsula included territorial efforts under military supervision, then political efforts under imperial administration, and finally religious efforts under the auspices of Roman pagan and imperial cults between the third century B.C. and the fourth century A.D. Roman unification also included imperial and ecclesiastical efforts during the fourth century A.D. *via* conciliar canons, polemical texts, and imperial legal enactments. Gothic conquest and unification efforts in Spain (409-654 A.D.) occurred under military occupation, then conciliar legislation, and finally the issuance of royal civil statutes.

Chapter Two addresses the concept of marriage, which is synonymous with religious and political unity in the sources of the Visigothic period. This chapter examines the legal and practical aspects of Roman marriage in late antiquity and the evolution of Christian marriage during the same period. It does so in order to show how a specifically Christian rhetoric of marriage becomes the medium to express ideas of civic concord and rights to public authority in the fourth and fifth centuries A.D. The point is obvious: drawing upon the political discourse of late antiquity, “marriage” becomes the medium to express religio-political conflicts in Visigothic Spain.

CHAPTER ONE

POLITICAL AND RELIGIOUS

“UNITY” IN THE

PROVINCIAE HISPANIAE

Based on classical rhetoric that expressed the relationship between Rome and the *provinciae Hispaniae* from the third century B.C. to the fourth century A.D., the problem of political and religious “unity” was addressed by imperial and Christian authorities in the complex *milieux* of late antiquity, and subsequently, by Visigothic bishops and rulers from the fifth to the seventh century. The paradigm of the ancient sources that focuses on conquest and resistance, thus, translates well to the late classical and Visigothic periods, when rulers and conquerors are Christian, rather than pagan. In the Visigothic texts, the issue becomes one not simply of control, but of orthodoxy and status, in which “unity” appears in marital images of gendered dominance, submission, and union. The early medieval Spanish literature is a response to the ancient accounts of *Hispania*’s history and arises after a lengthy period of indigenous resistance to outside domination. In the later texts, the Hispano-Roman majority, which is either silent or accommodating toward Roman rule in the ancient sources, disputes the terms of conquest by seeking a more “harmonious” relationship with their conquerors in marital imagery where the feminine

entity submits. In the ancient sources, as in the early medieval ones, feminine images of *Spania* appear as a territorial and political entity.

PROVINCIAE HISPANIAE: THE PROBLEM OF POLITICAL AND TERRITORIAL UNITY IN CLASSICAL ANTIQUITY (228 B.C. – 305 A.D.)

Rome's efforts to unify the Iberian peninsula paralleled the later problems of the Visigothic conquerors. Historical and geographical accounts from classical antiquity suggest that the Spanish peninsula and its inhabitants presented difficulties to Romans intent on conquest and territorial unification.¹ The sources also indicate that the harshness of the terrain and the resistance of the indigenous tribes were factors worth overcoming in the interest of seizing mineral and other resources of the territory for Rome's benefit. For the period of the Roman conquest, no indigenous accounts survive, but the ancient writers whose accounts do survive represented the Roman conquest of Spain as triumphs of Roman military and administrative methods. Accounts of Greeks, such as Polybius² and Strabo,³ recorded the details of this "conquest."⁴ Conquered

¹ For a collection of the ancient Greek and Latin literary sources for Iberian geography and history from the sixth century B.C. to approximately 700 A.D. see: *Fontes Hispaniae Antiquae*, eds. A. Schulten, P. Bosch Gimpera, L. Pericot, 9 vols., Barcelona: Librería Bosch, 1920-1950.

² Polybius, *The Rise of the Roman Empire*, transl. I. Scott-Kilvert, intro. F. W. Walbank, Harmondsworth: Penguin Books, 1979 is a useful English-language edition. For a Greek-English edition, see: Polybius, *The Histories*, transl. W. R. Paton, Loeb Classics, London: Wm. Heinemann Ltd.; Cambridge, Mass.: Harvard University Press, 1922, repr. 1960.

³ Strabo, *Geography*, ed. H. L. Jones, Loeb Classics, 8 vols., Cambridge, Mass.: Harvard University Press; London: William Heinemann Ltd, 1924, repr. 1954. Book Three of Strabo's *Geography* is found in Vol. II of the Loeb edition in Latin-English translation.

provincials themselves, these authors may have exaggerated Roman brutality and treachery, but their accounts are useful sketches of an effort that took two centuries to complete.

Roman Conquest and Iberian Resistance

Polybius, a historian writing under Roman patronage, described the causes and conditions of the Roman military presence in Spain in the third century B.C., which he claimed was necessary in order to restrain the Carthaginians from utilizing the peninsula's mineral wealth and other resources against Rome. The necessity of Rome's policy toward Spain was Polybius' main theme, but he detailed for his Roman audience the resistance of the Celtiberians to Roman occupation and the final Roman destruction of Carthage in the mid-second century B.C., both of which he witnessed as a member of the entourage of the Roman general Scipio Aemilianus.⁵ The immediate benefits of Rome's presence in Spain were also less than obvious in Polybius' accounts of Roman military conflicts with the Spanish Celtiberi in 170s and the Lusitani in the 160s, conflicts

⁴ Andrew Lintott, "Roman Historians," in *The Oxford History of the Roman World*, eds. J. Boardman, J. Griffin, O. Murray, Oxford and London: Oxford University Press, repr. 1989, pp. 268-287. The Roman writer Livy, who like Strabo wrote under Augustus and Tiberius in the early first century A.D., probably drew on Polybius for his annalistic account, which breaks off in 167 B.C.; Livy, *The War with Hannibal: Books XXI-XXX of The History of Rome from its Foundation*, transl. A. de Selincourt, ed. and intro. B. Radice, 1965, repr. London: Penguin Group, 1972. There is no ancient history of Spain in the imperial age after 44 B.C.; for this period, in addition to the geographic survey of Strabo, the only accounts are those of the elder Pliny (*Naturalis historia*), who served as a governor in Spain during the first century A.D., and Diodorus of Sicily, who supplements Strabo's information; Andrew Lintott, "Roman Historians," in *The Oxford History of the Roman World*, pp. 268-287.

⁵ Serge Lancel, *Carthage, A History*, Librairie Arthème Fayard, 1992, English transl. Antonia Nevill, Oxford, England and Malden, Massachusetts: Blackwell Publishers, 1995, repr. 1999, pp. 417 and 421.

that led to the Numantine revolt and siege (155 to 133 B.C.).⁶ After this prolonged Spanish revolt, the indigenous Numantines slew themselves rather than fall captive to the Romans. The fall of Numantia, portrayed most usefully by Polybius, who was present for the events he describes, became emblematic of indigenous resistance toward Roman military conquest, a resistance which continued for another century.

Roman Conquest and Peninsular Diversity

Like the resistance of the indigenous Spanish tribes to Roman unification efforts, the harshness of the peninsular terrain and the diversity of its people are commonplaces in the ancient sources. In the first century A.D., Strabo (c.66 B.C. – 24 A.D.), a Greek geographer and historian writing under the emperors Augustus and Tiberius, gave an extensive account of the geography of the peninsula.⁷ Strabo's themes were the wealth and geographical diversity of the Roman Spanish provinces, designated by the Roman Senate as *Hispania citerior* and *Hispania ulterior* (the nearer and further Spains) in 197 B.C.⁸ The geographer does not appear to have ever travelled to Spain, but that did not prevent him from describing the terrain, particularly in the north, as harsh and

⁶ John S. Richardson, *The Romans in Spain*, p. 69. See also: John S. Richardson, *Hispaniae: Spain and the Development of Roman Imperialism, 218-82 BC*. Cambridge: Cambridge University Press, 1986, for a detailed study of third-century military conflicts in Spain.

⁷ Strabo, *Geography*; references here are to Vol. II, Book 3 of the Loeb edition.

⁸ Strabo, *Geography*, 3.1.2.

uninhabitable by civilized persons.⁹ By this, he meant that the peninsula had relatively few cities, the proper dwelling places for cultured Greeks and Romans. At the same time, he described the territory in the south as a rich one, with numerous rivers and sea ports for shipping Spain's abundant exports.

In addition to the peninsula's geographical diversity, Strabo also catalogued the indigenous people required to make it productive for Rome. To this end, he described the twenty-six regional tribes who inhabited *Hispania* and their ancestral habitats. These tribes controlled territories which were fluid, often as a result of intertribal warfare. The geographer complained that their boundaries were so ill-defined that not even contemporaries could describe them clearly.¹⁰ Strabo's first-century account stresses that the number of diverse tribes and their ever-changing boundaries did not lend themselves to long-term political unity, either before or after the Roman occupation, which began in 206 B.C.¹¹

⁹ John S. Richardson, *The Romans in Spain*, Oxford and Cambridge, Mass.: Blackwell Publishers, 1996, pp. 150-153, according to whom the sources for Strabo were Polybius (fl.150 B.C.), Artemidorus (geographer, fl.100 BC), and Poseidonius (philosopher, fl.100-50 B.C.).

¹⁰ A useful introduction to the history and archaeology of ancient Iberia is María Cruz Fernández Castro, *Iberia in Prehistory*, Oxford: Blackwell Publishers, 1995, who interprets Strabo's impressions of Spain on p. 251, citing Strabo, 3, 4, 30.

¹¹ Ibid. Also see: Leonard A. Churkin, *Roman Spain*. London and New York: Routledge, 1991, repr. New York: Barnes & Noble Books, 1995, pp. 18-19. For a more extreme statement on the value of Roman occupation for the Spanish province, see: Leonard A. Churkin, *The Romanization of Central Spain: Complexity, Diversity and Change in a Provincial Hinterland*. London and New York: Routledge, 2004, p. 121: "[T]here was no Spanish national identity: people were part of smaller units such as Arevaci or Carpetani. It was the Romans who gave them a national identity – as Romans."

Roman Conquest, Political Unity, and the Wealth of *Hispania*

In the ancient accounts, Spain's wealth was an important reason for Rome's persistence in overcoming indigenous resistance and conquering the peninsula. This effort continued into the late first century B.C., when Spain came under the authority of the emperor Augustus (31 B.C.–14 A.D.). Augustus directed imperial military efforts toward the three regions of northwest Spain that, after almost two hundred years, still remained unconquered: Cantabria, Asturias and Galicia.¹² In 11 B.C. Augustus claimed the northwestern territories for Rome, and at this time, he divided *Hispania ulterior* into the provinces of Baetica and Lusitania, assigning the newly conquered territory of Galicia to Lusitania and the Asturias to *Hispania citerior*.¹³ In addition to this administrative restructuring, Augustus ordered gold mined in Asturias, where more than 20,000 pounds of gold were produced each year thereafter.¹⁴

During the imperial reign of Augustus, the mines of Spain became state-controlled, as did the profitable trade in Spanish olive oil.¹⁵ Not only was wealth siphoned from mines and fields, but valuable manpower was enslaved and land was confiscated and redistributed to Romans, turned into colonies and grazing lands, or added to the emperor's estates. The imperial treasury benefited from indigenous holdings throughout Spain, which were taxed, rented, and made subject to compulsory grain

¹² Leonard A. Churchin, *Roman Spain: Conquest and Assimilation*, pp. 52-53. For a detailed economic study of Roman Spain, see also: Benedict Lowe, *Roman Iberia: Economy, Society and Culture*, London: Gerald Duckworth & Co. Ltd., 2009.

¹³ Leonard A. Churchin, *Roman Spain: Conquest and Assimilation*, p. 6; John S. Richardson, *The Romans in Spain*, p. 135.

¹⁴ Leonard A. Churchin, *Roman Spain: Conquest and Assimilation*, p. 137.

¹⁵ *Ibid*, pp. 126 and 150.

sales.¹⁶ By the reign of Trajan, a Spaniard, at the beginning of the second century A.D., Spain had been an important source of wealth for Rome for three centuries.¹⁷

Besides devoting generous attention to the wealth of Spain, the ancient authors described a provincial conquest characterized by betrayal and brutality on the part of the Romans and resistance by the indigenous people that displayed little “unity” between the opposing factions. As A. H. Merrills has shown, a number of these authors, writing from the second century B.C. to the fourth century A.D., illustrated in detail Spain’s importance to the prosperity of the empire.¹⁸ These authors include those mentioned above, as well as Pliny the Younger, an Italian governor of the province in the first century, writers who proclaimed their Hispanic origins, such as Martial, Columella, Seneca, Lucan, Quintilian, and Prudentius, and others who originated elsewhere, such as Pompeius Trogus, Claudian, and Drepanius Pacatus.¹⁹ In gendered terms, these male authors described Spain as a feminine entity, eulogized the region’s beauty, wealth, and fertility, and emphasized its superiority as Rome’s prized possession.

These accounts provide evidence that Romans did not simply reap the benefits of Spain’s wealth and depart. During six centuries of military occupation that did not effectively end until the early fifth century A.D., Romans established an extensive administrative, economic, and social presence in Spain. They remained in the peninsula and, with the grant of citizenship rights to *Hispani*, intermarried with the indigenous

¹⁶ Ibid, p. 126.

¹⁷ Ibid, pp. 226-227, 229.

¹⁸ For a brief review of this literature, see: A. H. Merrills, *History and Geography in Late Antiquity*, Cambridge, Cambridge University Press, 2005, pp. 185-196.

¹⁹ Ibid.

inhabitants, and produced a mixed Hispano-Roman political, social, and cultural heritage. In this context, “unity” was employed as a euphemism for conquest by historians, geographers, administrators, and panegyrists, who described Spain in the rhetoric of classical antiquity as “conquered,” a “possession,” and a feminine entity valued by republican and imperial Rome for its wealth and beauty. In these sources, marriage metaphors and gendered imagery express in euphemistic terms the realities of subjugation and resistance between ruler and ruled.

CHRISTIANITY AND THE PROBLEM OF UNITY IN THE FOURTH CENTURY

Imperial Administration and Structures of Authority

Imperial military, economic, and administrative structures began to alter in the peninsula, as they did elsewhere throughout the empire, in the second century A.D. During the third century, changes in the exercise of authority occurred on the provincial and local levels, and ties between imperial and episcopal authority strengthened as Christian influences shifted the traditional *loci* of power. By the late third century, imperial administration of the far-flung Roman empire had become a complex and difficult problem.²⁰ In order to remedy it, the emperor Diocletian (284-305 A.D.)

²⁰ On this topic generally, see the work of A. H. M. Jones, *The Later Roman Empire (284-602): A Social, Economic, and Administrative Survey*, 2 vols., Norman, Oklahoma: University of Oklahoma Press, 1964.

implemented an administrative reorganization of the empire in 293. As part of this effort, he reorganized the provinces of *Hispania*, grouping them into the diocese of Gaul.²¹ Diocletian maintained the Augustan provinces of Lusitania and Baetica with their capitals of Emerita Augusta (Merida) and Corduba (Cordoba). At the same time, he divided *Hispania citerior* into the provinces of Tarraconensis with Tarraco (Tarragona) as its capital, Carthaginiensis with its capital at Cartago Nova (Cartagena), and Gallaecia with its own new capital at Bracara Augusta (Braga). Diocletian also added Mauretania Tingitana, on the North African coastline, as a province of Spain.²² Throughout the Visigothic period, the *provinciae Hispaniae* and their boundaries remained largely as Diocletian established them.

On 1 May 305, both Roman emperors, Diocletian of the east and his co-ruler, Maximian of the west, abdicated, and their *caesares* or military commanders, Constantius in the west and Galerius in the east, became the new *augusti* or co-emperors.²³ When Constantius died in 306, his troops acclaimed his son, Constantine, the new emperor of the west. By 313, Constantine, the first Christian emperor, ruled the western empire, and in 324, he became sole emperor of both the eastern and western halves of the Roman empire until his death in 337.²⁴ In the same year that he became sole ruler of the empire (312/313 A.D), Constantine designated Christianity as a *religio licita* (lawful religion), a

²¹ John S. Richardson, *The Romans in Spain*, pp. 269-270.

²² Michael Kulikowski, *Late Roman Spain and its Cities*, Baltimore and London: The Johns Hopkins University Press, 2004, p. 71.

²³ John S. Richardson, *The Romans in Spain*, pp. 266-267.

²⁴ Ibid, pp. 268-269. On the topic of Constantine and Christian conversion, see also: A. H. M. Jones, *Constantine and the Conversion of Europe*, 1978, repr., Medieval Academy Reprints for Teaching, Toronto: University of Toronto Press, 1997.

privilege that it shared with Judaism, another monotheistic religion, in an empire where the majority of the population still practiced varying forms of ancient Greco-Roman polytheism.²⁵

As early as the mid-third century, Christian bishops began to wield power in the cities and towns of the Roman Empire. The presence of Spanish Christian communities is apparent as early as 254, when Cyprian, the bishop of Carthage, addressed an appellate ecclesiastical judgment to three Spanish clerics.²⁶ The involvement of Cyprian in the affairs of the Spanish church suggests that the Christian population was large enough to have acquired an episcopal hierarchy and that the episcopacy had evolved to such a degree that it required authoritative advice on matters of church discipline. Similar evidence is provided by the Spanish Christian poet, Prudentius (d. c.400), who showed how during the half-century from 250 until 305, periodic persecutions of Christians occurred in Spain.²⁷ Prudentius' martyrdom accounts, written in the late fourth century, indicate that the number of Christians was increasing in the peninsula. These Christians had become targets of the Roman imperial administration, intent on maintaining public concord (*concordia*) in the face of rapid change in imperial administrative, military, and economic structures.

²⁵ On changing relations between pagan and Christian communities in the fourth century, see: Robin Lane Fox, *Pagans and Christians*, New York: Alfred A. Knopf, Inc., 1987.

²⁶ John S. Richardson, *The Romans in Spain*, pp. 258-259.

²⁷ *Ibid.*, pp. 260, 276-277. For an English translation of Prudentius' martyrdom accounts, see: *The Poems of Prudentius*, transl. Sister M. Clement Eagan, C.C.V.I., The Fathers of the Church Vol. 42, Washington, D.C.: The Catholic University of America Press, 1962, pp. 93-280.

The Council of Elvira and Spanish Episcopal Authority

After the persecutions of Christians by Diocletian ended in 305, a provincial conclave of Spanish bishops met in the Baetican town of Illiberis (Elvira).²⁸ Nineteen bishops and twenty-four other clergy were signatories of this ecclesiastical council, which was the first held in the western empire, probably in c.309.²⁹ Since the origin of bishops as a law-making body lies in these types of early provincial and ecumenical councils, and because such councils set the tone for those held at Toledo in 589 and 633, it is instructive to know what the bishops thought was important in a conciliar context. Their concerns fell into two general categories. The first was establishing Christian sacerdotal authority relative to that of the imperial priesthood or *flamines* and episcopal authority over the Christian community in general through the sexual purity of the Christian priesthood. The second was establishing the identity and boundaries of the Christian community through sexual prohibitions - and against pagans, Jews, and Christian heretics.

²⁸ Samuel Laeuchli, *Power and Sexuality: The Emergence of Canon Law at the Synod of Elvira*, Philadelphia: Temple University Press, 1972, p. 3. The council is undated and modern scholars tend to place it between 300 and 310 A.D., but this discussion follows Samuel Laeuchli in assigning a date of c.309 to the council for two reasons. First, it is unlikely that a conclave of Christian bishops met openly during the period when Christians were being persecuted in Spain between 250 and 305. In the late fourth century, for example, Prudentius records the martyrdom of the virgin Eulalia of Merida, assigning it to 304. Second, bishop Osius of Cordoba, whose presence is attested at the Council of Elvira, was at the court of Constantine in Trier in 310/311. Osius remained the ecclesiastical advisor to Constantine from 310 until the emperor's death in 337. It is, therefore, most likely that the council took place between 306 and 310, and most probably toward the end of that four-year period, when Christians had time to become more openly established in their communities.

²⁹ For the Latin text of the council, see the critical edition in *La colección canónica Hispana*, Vol. IV, *Concilios Galos, Concilios Hispanos: Primera Parte*, eds. Gonzalo Martínez Díez and Félix Rodríguez, Madrid: Consejo Superior de Investigaciones Científicas, 1984, pp. 233-268. For an English translation of the canons of Elvira, see Samuel Laeuchli, *Power and Sexuality*, pp. 126-135.

Sexual Purity and the Episcopacy

Seven of the eighty-one canons, including the first four, deal with what may have been the most visible challenge to episcopal authority, namely the other representatives of Roman religion, *flamines*, or pagan priests.³⁰ Christian clergy who also served as pagan priests could perform penance and be received back into communion only if they had not sacrificed at the imperial altars.³¹ The bishops also addressed the composition and regulation of the Christian clergy. These canons served to establish the authority of the bishop over his diocesan territory, his clergy, and his congregants.³² The canons also separated the order of clergy from that of the laity by imposing sexual continence on the former in canon 33. This canon ordered bishops, presbyters, deacons and other clerics to abstain completely from having wives and children. Although this rule later became general in the western church after the Council of Nicaea in 325, at this early date it was by no means assumed.

At the Council of Elvira, which became a model for later provincial church councils, bishops were simultaneously distinguishing themselves from the pagan priesthood, assuming a new authority over married clergy, and establishing an ecclesiastical hierarchy associated with sexual asceticism.³³ After establishing the need to purify the Christian priesthood, the bishops turned their attention to the Christian laity.

³⁰ Canons 1-4, 17, and 55-56.

³¹ Canons 3 and 4.

³² Canons 18-20, 23-28, 30, 32-33, 38-39, 43, 48, 50-53, 58, 65, 75-77, and 80.

³³ Ramsey MacMullen, *Paganism and Christianity in the Fourth to Eighth Centuries*, New Haven, Yale University Press, 1997, p. 132.

Over one-third of the canons regulated the sexuality of laypersons, particularly the sexual behavior of married women (adultery), widows (remarriage), and virgins.³⁴ In addition to a preoccupation with women, the canons suggest that consecrated female virgins were already an established feature in the Christian communities of early fourth-century Spain,³⁵ and that marriage and betrothal were becoming indissoluble bonds.³⁶

Sexual Purity and Christian Community

The canons of the Council of Elvira also treated the issues of Christian sexual identity and Christian identity relative to other religious groups. Christians were not allowed to intermarry with Jews, pagans, or heretics.³⁷ Additional canons prohibited Christians from other interactions with non-Christians, except under extraordinary circumstances.³⁸ Pagans (*gentiles*) on their deathbeds could be received into the Christian community with the laying on of hands “if their life has been at least partially decent.”³⁹ Christian landowners were to avoid receiving anything from their tenants that had been sacrificed to idols, and were to forbid, “as far as they can,” idols in their homes and those of their dependents.⁴⁰ Christians were not permitted to sacrifice in pagan

³⁴ Canons 7-17, 27, 30-31, 33, 35, 44, 47, 54, 57, 61, 63-72, 78, and 81.

³⁵ Canons 13 and 14.

³⁶ Canons 8-10, 54, and 72.

³⁷ Canons 15-17, and 78.

³⁸ Canons 39-41, 49-51, 55-57, 59, and 62.

³⁹ Canon 39.

⁴⁰ Canons 40 and 41.

ceremonies,⁴¹ and landholders were warned not to allow their crops to be blessed by Jews “lest they make our blessing ineffectual and weak.”⁴² In addition, clergy and laity were not permitted to share meals with Jews.⁴³

Sexual Purity and the Boundaries of Authority

The evidence of the canons suggests that bishops’ aim was not to integrate Christians into their surrounding communities in harmonious society with other religious groups. Rather, this first Spanish council dealt with issues of episcopal authority and control, which appeared in the form of sexual restrictions upon *clerici* and *laici* and prohibitions against Christian interactions with Jews, pagans, and heretics. In the conciliar canons, the rigorist bishops at Elvira appear intent on establishing an ecclesiastical hierarchy with themselves at the pinnacle and erecting strict social and sexual boundaries between the Spanish Christian community and its non-Christian neighbors. This evidence from the fourth-century Spanish council of Elvira is significant, because it recurs - in conjunction with the marital rhetoric, female imagery, and unification agendas - with increasing frequency in fourth-century Christian polemical tracts, conciliar texts, and imperial laws.

⁴¹ Canon 59.

⁴² Canon 49.

⁴³ Canon 50.

UNITY AND ORTHODOXY IN THE FOURTH CENTURY

The developing political language of “orthodoxy” and “heresy” evolved from the fourth-century Christian councils such as that at Elvira to the empire-wide councils that began with the Council of Nicaea in 325. The Visigothic sources base themselves heavily on the fourth-century conflicts between rival claimants to “orthodoxy,” and it is, therefore, useful to examine these conciliar conflicts in more detail.

The Council of Nicaea (325)

After the Council of Elvira, one of its participants, Bishop Ossius of Cordoba, appeared at the imperial court at Trier as an advisor to the emperor Constantine around 310/311 A.D.⁴⁴ Constantine was probably counseled toward toleration of Christians by Ossius of Cordoba, suggesting that, in addition to becoming an ecclesiastical law-making body, bishops were beginning to hold positions of influence and authority in an ever-widening context in the early fourth-century Latin west.⁴⁵ After 313, emperors and bishops increasingly joined forces in the search for political stability and a unifying framework of religious faith with which to govern the cities and territories of the imperial

⁴⁴ For a modern biographical treatments of Ossius of Cordoba, see: Victor De Clercq, *Ossius of Cordoba: A Contribution to the History of the Constantinian Period*, Washington, D.C.: The Catholic University of America Press, 1954; and Victor De Clercq, “Ossius (Hosius) of Cordoba, in *Leaders of Iberian Christianity: 50-650 A.D.*, ed. J. Marique, Boston: The Daughters of St. Paul, 1962, pp. 127-140.

⁴⁵ Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian Empire*, Madison: University of Wisconsin Press, 1992; Claudia Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition*, Berkeley, Los Angeles, London: University of California Press, 2005, p. 9.

provinces. In this context, ecclesiastical councils such as the one at Elvira became the scene of debates over what constituted orthodox Christian belief. For a time, these conflicts took precedence in Christian councils. Although these councils continued to uphold conciliar definitions of proper sexual behavior and interaction with non-Christians as issues related to “orthodoxy,” they were regarded as secondary to doctrinal matters.

One of the most important doctrinal disputes of late antiquity that served to define orthodoxy surfaced in 324, when the emperor Constantine sent Bishop Ossius of Cordoba to Alexandria as an imperial legate to mediate the dispute between the bishop, Alexander, and one of Alexander’s presbyters, Arius, concerning the nature of Christ. This particular Christological controversy, which probably originated in 318, was at the heart of the Ecumenical Council of Nicaea subsequently called by Constantine in 325.⁴⁶ The emperor presided over the council, assisted by his ecclesiastical adviser, Ossius, in order to solve the theological problems associated with Arius’ doctrinal assertion of Christ’s humanity and passibility (human ability to suffer).⁴⁷

Doctrinal conflicts in the early fourth century between Arians and their opponents presented a substantial problem for the unity of the church, and by extension, for the unity of the empire.⁴⁸ In cities such as Alexandria, where Arius first formulated his Christological doctrines, the bishop, often a member of the municipal governing class

⁴⁶ J. N. D. Kelly, *Early Christian Doctrines*, New York: Harper & Row, Publishers, 1960, 5th rev. ed., 1978, pp. 231-237; and J. N. D. Kelly, *Early Christian Creeds*, London: Longman Group, Limited, 1950, 3rd rev. ed., 1978, pp. 234-242.

⁴⁷ Ibid, p. 251.

⁴⁸ Henry Chadwick, *The Church in Ancient Society: From Galilee to Gregory the Great*, Oxford: Oxford University Press, 2001.

(*curiales*), was a force of authority, responsible for ordering the Christian community.⁴⁹ Doctrinal disputes between bishops, priests, and their congregations, therefore, posed problems for the order and stability of the cities, and were a concern to the emperor, as well as to the ecclesiastical hierarchy.⁵⁰

Anti-Arian bishops such as Ossius believed that Arius' emphasis on Christ's humanity interfered with belief in His divinity, and placed human salvation or soteriology in question. Arius taught that the Son was not co-existent with the Father from eternity, that the Son was created in time by the Father, that the Son had no communion with or direct knowledge of the Father, and that the Son was susceptible to change and to sin. These beliefs, from the Arian point of view, were based on a literal interpretation of Scripture and avoided charges of ditheism by subordinating the Son as a created being to the Father as creator.⁵¹

At the Council of Nicaea (325 A.D.), the anti-Arian majority adopted a creed or statement of belief (*credo*) that purported to solve the soteriological problem raised by Arius and his followers. The anti-Arian bishops used the word *homoousios*, a term from Greek philosophy, to refer to the "same" substance of both Father and Son, in opposition to the Arian understanding of the Son as *homoiousios* (or of "like" substance) to the Father.⁵² Christ's divine and human natures were, therefore, preserved intact in the one

⁴⁹ Claudia Rapp, *Holy Bishops in Late Antiquity*, pp. 167, 169, 183-18, 274, and 289.

⁵⁰ *Ibid.*, pp. 117 and 169.

⁵¹ J. N. D. Kelly, *Early Christian Doctrines*, pp. 226-231; J. N. D. Kelly, *Early Christian Creeds*, pp. 231-234. For a useful study that focuses on the origins and development of fourth-century Arian doctrine, see also: R. P. C. Hanson, *The Search for the Christian Doctrine of God: The Arian Controversy, 318-381*, Edinburgh: T. & T. Clark Ltd, 1988.

⁵² *Ibid.*

person according to the theology and creed of the Nicene majority. As a result, Christian soteriology (the doctrine of spiritual salvation) was believed by the anti-Arian or “homoeousian” party to have been secured as a matter of “orthodox” faith against the Arian sect (*haeresis*).⁵³ In the Nicene majority view, the Council of Nicaea also established the Trinitarian unity of Father, Son, and Holy Spirit as three Persons in a unitary godhead.

During the council and its aftermath, Arius and his followers maintained their position. Claims of orthodoxy and accusations of heresy continued to be traded by “Arians” and “Nicaenes” over the nature and content of Christian Trinitarian doctrine. Claiming a literal reading of the Scriptures,⁵⁴ Arians’ strict interpretation of biblical texts led them to assert the subordination of the Son to the Father and the Holy Spirit to both. To Arians, the Nicene party’s non-scriptural attributions of equality and identity of substance to the Persons of the Trinity were the “heresies” at issue.

Orthodoxy, Heresy, and Rights to Public Authority

Early Christian conciliar conflicts over “orthodoxy” and “heresy” between rival claimants to public authority are significant, because they provide the background for

⁵³ *Haeresis* is a term used by Josephus in the first century A.D. to refer to religious sects, but in the following centuries, it also was used to make accusations of “wrong” belief by groups asserting their own “right” beliefs; for this attribution, see the discussion of Jewish-Christian relations in the first century A.D. in Alan Siegel, *Rebecca’s Children: Judaism and Christianity in the Roman World*, Cambridge, Massachusetts and London, England: Harvard University Press, 1986, p. 186, n.8.

⁵⁴ William Sumruld, *Augustine and the Arians: The Bishop of Hippo’s Encounters with Ulfilan Arianism*, London and Toronto: Associated University Presses, 1994, pp. 46-48.

disputes over power between Nicene bishops and their Visigothic Arian opponents in late sixth- and early seventh-century Spain. As the fourth-century debates over orthodox belief and rightful authority continued, it became increasingly clear that the Council of Nicaea had not definitively settled the Christological dispute between Arian and Nicene Christians.⁵⁵ For the next century, particularly in the years between the Council of Nicaea in 325 and the Council of Constantinople in 381, emperors involved themselves in ongoing conflicts over Christian orthodoxy, defined accordingly as each party (Arian or Nicene) held political sway. According to Daniel Williams, “It seems western bishops had little loyalty to or practical use for the Nicene creed until the late 350s and it did not become a general western creed until after the Council of Ariminum (359).”⁵⁶

In this context, conflicts between rival episcopal parties dependant on imperial patronage for appointments and other forms of preference continued throughout the fourth century. After the death of Constantine in 337, his son Constantius II (337-361) assumed the imperial throne in the east and became sole ruler of the empire (*Augustus*) in 351. During Constantius’ reign, the battle to establish a unitary Christian faith continued under new imperial supervision, but with some of the old Constantinian figures still involved in unresolved doctrinal disputes. At the western council of Serdica in 343, for example, the aged Bishop Ossius of Cordoba, probably under imperial pressure, presided

⁵⁵ For this account of the mid-fourth century politico-religio conflicts, I largely follow Daniel Williams, *Ambrose of Milan and the End of Nicene-Arian Conflicts*, pp. 9-75; William Sumruld, *Augustine and the Arians: The Bishop of Hippo’s Encounters with Ulfilan Arianism*, pp. 33-45; and Susanna Elm, *Virgins of God*, pp. 126-132.

⁵⁶ Daniel Williams, *Ambrose of Milan and the End of Nicene-Arian Conflicts*, p. 16. See also, J. N. D. Kelly, *Early Christian Creeds*, pp. 283-295, on what he calls the “triumph of Arianism.”

over the framing of a new creed, which contained no reference to that of Nicaea.⁵⁷ In 357, the Council of Sirmium, led by the emperor's Arian theological advisers, prohibited all mention of the term "substance" (*ousia*) and stipulated belief in the subordination of the Son to the Father.⁵⁸

In 359, Constantius called two more general councils, one at Seleucia in the east and the other at Ariminum (Rimini) in the west. The council at Seleucia promulgated a "homoiousian" statement of orthodoxy, similar to those of Serdica and Sirmium, and declared all other creeds, past and present, null and void. The creed formulated by eastern bishops at Seleucia was presented as a *fait accompli* shortly afterward to the western bishops at Rimini, who accepted it.⁵⁹ In this fashion, theological doctrines became increasingly intertwined with imperial politics throughout the fourth century, an important theme that recurs in the Visigothic sources, as bishops and kings contested rights to secular and ecclesiastical power, property, and public authority.

Religious doctrine and imperial politics were considered inseparable in the fourth century, as in later periods, by episcopal adversaries dependent on imperial favor for church preferment and doctrinal support.⁶⁰ In the context of these controversies, Nicene and Arian ("homoiousian") bishops vied for the loyalty of their cities, clergy, and

⁵⁷ Daniel Williams, *Ambrose of Milan and the End of Nicene-Arian Conflicts*, p. 16. On the Council of Serdica, see: Hamilton Hess, *the Canons of the Council of Sardica, A.D. 343: A Landmark in the Early Development of Canon Law*, Oxford: The Clarendon Press, 1958.

⁵⁸ William Sumruld, *Augustine and the Arians: The Bishop of Hippo's Encounters with Ulfilan Arianism*, p. 33.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

congregations.⁶¹ The next section will address some of these controversies over the exercise of authority by bishops and emperors, who claimed the power of religious “orthodoxy” against their religious and political rivals, and upon whom the Visigothic sources relied for precedent and instruction.

IMPERIAL AND EPISCOPAL AUTHORITY: LATE FOURTH AND EARLY FIFTH CENTURY

One of the most prominent Nicene bishops of the late fourth century appeared in Milan.⁶² With its imperial court and influx of immigrants in the wake of Gothic surges into the eastern empire, this important urban center experienced an increase in the Latin Arian population in the late fourth century, and it was there that Ambrose, a former provincial governor, succeeded the Latin Arian bishop Auxentius in 374.⁶³ During the 370s and 380s, Ambrose waged polemical war against his Arian detractors and competitors using conventional genres, such as tracts on marriage and virginity, to bolster his public position as a militant advocate of the Nicene “homousian” party.⁶⁴

Throughout his episcopacy, Ambrose also attempted to persuade to emperors, the theologically neutral Gratian (375-383) and his avowedly Arian half-brother, Valentinian

⁶¹ Susanna Elm, *Virgins of God*, p. 132.

⁶² On Ambrose’s episcopacy, see: Neil B. McLynn, *Ambrose of Milan: Church and Court in a Christian Capital*, Berkeley, Los Angeles, London: University of California Press, 1994.

⁶³ Daniel Williams, *Ambrose of Milan and the End of Nicene-Arian Conflicts*, p. 152.

⁶⁴ For examples of these texts, see: *Ambrose of Milan, Political Letters and Speeches*, transl. with intro. J. H. W. G. Liebeschütz and Carole Hill, *Translated Texts for Historians* 43, Liverpool: Liverpool University Press, 2005.

II (379-392), who jointly ruled the West, to throw their imperial weight behind the Nicene cause, with mixed results.⁶⁵ After a period of Arian resurgence between the 340s and the 370s, the tide of imperial support began to turn back toward the Nicene ecclesiastical party in the 380s. In August, 378, the emperor in the East, Valens (364-378) an Arian supporter, died in the battle of Adrianople fighting the Visigoths. Soon thereafter, Gratian appointed the Spaniard Theodosius I (379-395), a stalwart Nicene Christian, as *Augustus* of the East and co-ruler of the empire.

The following year, the new Spanish emperor issued an anti-Arian edict in Constantinople specifying that only those Latin Christians who held to the creed of Nicaea could call themselves Catholics.⁶⁶ In 381, Theodosius went even further. He banned all meetings of “heretics,”⁶⁷ and assembled one-hundred-fifty bishops at a general church council in Constantinople, which was aimed at affirming the creed of Nicaea. Afterward, the emperor ordered that all bishops throughout the empire not in communion with the faith of Nicaea (325) and Constantinople (381) be expelled from their churches as heretics.⁶⁸ In this way, the emperor appropriated the language of Christian doctrinal and conciliar disputes in order to establish his rights to public authority and to delimit boundaries between those who shared and supported his beliefs, and those who did not.

⁶⁵ Daniel Williams, *Ambrose of Milan and the End of Nicene-Arian Conflicts*, pp. 71, 139-140. Gratian and Valentinian II were co-emperors of the Western Roman Empire between 379 and 383.

⁶⁶ John Richardson, *The Romans in Spain*, pp. 293-300.

⁶⁷ William Sumruld, *Augustine and the Arians*, p. 41, citing *Codex Theodosianus* 16.5.6.

⁶⁸ William Sumruld, *Augustine and the Arians*, p. 41-42; CT 16.5.8, 16.5.11; and Daniel Williams, *Ambrose of Milan and the End of Nicene-Arian Conflicts*, p. 182.

Throughout the fourth century, definitions of orthodoxy had been “forged in the ecclesiastical furnace of dissenting opinions.”⁶⁹ In the early fourth century, the Council of Nicaea legislated against Arians, as Elvira had against Christians who associated with Jews and pagans, but neither council eliminated religious practices that orthodox Christians, whether Nicene or Arian, condemned as heresies. Theodosius’ anti-Arian legislation only applied to Roman or Latin Christians, and even then, it is questionable whether the legislation was successfully implemented.⁷⁰ Gothic Arians held legal immunity to its provisions, an aspect of late fourth-century legislation that was to have increasing significance in the context of fifth-century imperial-Gothic relations.⁷¹

Theodosius’ anti-Jewish legislation, which increased in volume and vociferousness over that of Constantine, also appears to have had little discernible effect on the Jewish communities of the empire,⁷² although bishops such as Ambrose of Milan could and did, at least on one occasion, influence the emperor against the Jewish community.⁷³ In Spain, the bishop Severus of Minorca used his local authority to incite the Christian community against its Jewish neighbors in the early fifth century.⁷⁴ In the fifth-century sources, however, Arianism, both the Latin and the Gothic Ulfilan varieties, presented far more of a challenge to the authority of Nicene bishops and to emperors

⁶⁹ Daniel Williams, *Ambrose of Milan and the End of Nicene-Arian Conflicts*, p. 236.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² For a useful listing of anti-Jewish legislation, both civil and ecclesiastical, from 300 A.D. to 800 A.D., see: James Parkes, *The Conflict of Church and Synagogue: A Study of the Origins of Anti-Semitism*, London: Soncino Press, 1934, repr. New York: Hermon Press, 1974, Appendix I, pp. 379-390.

⁷³ Marcel Simon, *Verus Israel: A study of the relations between Christians and Jews in the Roman Empire (135-425)*, transl. H. McKeating, Oxford University Press, 1986, pp. 226-229.

⁷⁴ Severus of Minorca, *Letter on the Conversion of the Jews*, ed. and transl. Scott Bradbury, Oxford: Clarendon Press, 1996.

intent on consolidating their positions and prestige than did Judaism.⁷⁵ In the wake of Vandal incursions into North Africa after 410, for example, Augustine of Hippo defended Nicene Christianity against Latin Arian opponents on a number of occasions, much as Ambrose had done decades earlier at Milan.⁷⁶

Throughout the late fourth and early fifth centuries, Arianism became decreasingly associated with Latin Christians and increasingly linked with the Goths, missionized by the Christian bishop Ulfila between the 340s and 370s.⁷⁷ Despite the Nicene party's claims to exclusive "orthodoxy" after 325 A.D., there is patristic, conciliar, and legal evidence that Arianism, far from being outlawed as "heretical," continued to be practiced by both Latins and Goths. Ulfilan Arianism became a feature of Gothic cultural identity, which the Goths took with them into Spain during their fifth- and sixth-century conquests of the Roman provinces.

THE GOTHIS IN SPAIN (409 A.D. – 654 A.D.)

During the late fourth century, as the Roman administrative, military, and economic structures further diminished in both size and effectiveness, increasing

⁷⁵ On the conversion of the Visigoths to Arianism in the mid-fourth century by the Christian missionary Ulfilas and the political activities of their high chief, Fritigern, who led them into the Roman Empire as part of a compact with the eastern Roman emperor Valens, himself an Arian, see Herwig Wolfram, *History of the Goths*, transl. Thomas J. Dunlap, Berkeley, Los Angeles, London: University of California Press, 1988, pb. 1990, pp. 64-85.

⁷⁶ William Sumruld, *Augustine and the Arians*, pp. 66-110.

⁷⁷ *Ibid*, pp. 27-29.

numbers of Goths moved into the western empire. Some of these converted to Arian Christianity before their arrival in the western Roman provinces, others did so afterward, and their religious faith distinguished them from Nicene Christians in the newly-conquered territories of Gaul and Spain. The Arian Goths brought little “unity” to late classical and early medieval Spain, suggesting that the rhetorical “marriage” between Goths and Hispano-Romans never actually existed. From late antiquity, the rhetoric of “unity” or “marriage” as representations of political and social reality made their way into the sources for the history of Visigothic Spain. As ruling parties vied with one another for royal power, the resulting political instability was compounded by the conquering Goths’ confessional conflicts with their Hispano-Roman subjects.

Contemporary accounts of the Goths’ fifth-century presence Spain are largely restricted to those written by two Spaniards, the monk Orosius⁷⁸ and the bishop of Aquae Flaviae (Chaves, Portugal), Hydatius.⁷⁹ Orosius’ account, written in 419, terminates shortly after 410; Hydatius covers events from about 379 until 468. In addition, there are the later accounts of Gregory,⁸⁰ a Gallo-Roman bishop of Tours, and John of Biclarum, who was first a monk and abbot, and later bishop of Gerona (Girona).⁸¹ These last two authors were late sixth-century contemporaries of Leander of Seville, but they cover

⁷⁸ Paulus Orosius, *Seven Books of History Against the Pagans*, transl. Irving Woodworth Raymond, New York: Columbia University Press, 1936; see especially Book VII.36-43, pp. 381-398.

⁷⁹ *The Chronicle of Hydatius and the Consularia Constantinopolitana: Two Contemporary Accounts of the Final Years of the Roman Empire*, ed. and transl. R. W. Burgess, Oxford: Clarendon Press, 1993.

⁸⁰ Gregory of Tours, *The History of the Franks*, transl. Lewis Thorp, Harmondsworth: Penguin Books, 1974, repr. 1982.

⁸¹ John of Biclarum, *Chronicon*; a modern critical edition of the text can be found in *Juan de Biclario, Obispo de Gerona: su vida y su obra, Introducción, texto crítico y comentarios*, ed. Julio Campos, Madrid: Consejo Superior de Investigaciones Científicas, 1960.

earlier fifth- and sixth-century events as well. In his seventh-century *History of the Goths*, Isidore of Seville utilizes Orosius, Hydatius, and John of Biclarum as sources, but adds his own brand of commentary to the accounts of his predecessors.⁸² Consistent throughout the historical accounts of Visigothic rule in Spain are representations of the Goths' rapacious seizure of lands, avaricious accumulation of wealth, and bellicose consolidation of territory.

Like the ancient accounts that described the wealth of Spain as a target of invading conquerors, the fifth-century writers also emphasizes the avarice and treachery of the Gothic troops that replaced those of imperial Rome in the Spanish peninsula. Orosius, who was present in Spain at the time, provides the earliest account of the Goths' entry into the peninsula in the fifth century. He explains that the Gothic presence originated in 409, after fighting broke out in Spain between Honorius (son of Theodosius II and emperor of the west from 393 to 423) and an opposing Roman general, Constantine (later Constantius III), the latter of whom invited Gothic troops to aid him.⁸³ In 409, Roman troops also withdrew from Spain, and Orosius reports that the remaining Gothic troops (Vandals, Suevi, and Alans) divided up the peninsula among themselves by drawing lots.⁸⁴

⁸² *Las Historias de los Godos, Vandalos y Suevos de Isidoro de Sevilla*, ed. and transl. Cristóbal Rodríguez Alonso, Leon: Centro de Estudios e Investigación "San Isidoro," 1975. Isidore's *History of the Goths* is available in a number of English translations, most notably, Kenneth Baxter Wolf, *The Conquerors and Chroniclers of Early Medieval Spain*, Translated Texts for Historians 9, Liverpool: Liverpool University Press, 1990, pp. 81-110.

⁸³ Orosius, *History Against the Pagans*, VII.40; Hydatius, *Chronicon*, a.409.

⁸⁴ Orosius, *History Against the Pagans*, VII.40; Hydatius, *Chronicon*, a.411.

The Visigoths in the Fifth Century

The withdrawal of Roman troops from Spain signaled an important shift from Roman to Gothic military occupation of and eventual rule over the peninsula. In Orosius' account, the Gothic occupation began in cooperation with Rome, but soon evolved into opposition to the empire. This Gothic opposition was represented by the abduction and rape of a member of the Roman imperial family, Galla Placidia, in 410. When the Visigothic leader, Alaric I, died in Rome in the same year, his brother-in-law, Athaulf, succeeded him and led the Visigoths into Gaul.⁸⁵ Athaulf married Galla Placidia in 414, which may have been a factor in Athaulf's murder by his own men in 416.⁸⁶

In addition to the fickle relations between the Goths and Rome, the Visigoths experienced considerable infighting, a fact that appears in the account of Athaulf's death by the Spanish monk, Orosius, as well as in the chronicle of the Spanish Christian bishop, Hydatius. Hydatius relates that after a series of short-lived Gothic and Vandal kings in Spain, Theodoric I, a Visigoth, entered the peninsula and successfully defeated the Suevic king in 457. In 466, Theodoric I was murdered by his brother Euric (466-484). Shortly afterward Hydatius' account ends. Ten years later, Euric took over control of the Spanish province of Tarraconensis, according to Gregory of Tours.⁸⁷ After Euric,

⁸⁵ Orosius, *History Against the Pagans*, VII.43; Hydatius, *Chronicon*, a.409.

⁸⁶ Orosius, *History Against the Pagans*, VII.43; Hydatius, *Chronicon*, a.414., for the marriage of Athaulf and Galla Placidia, and a.416 for the murder of Athaulf at Barcelona by his own men; Gregory of Tours, *History of the Franks*, II. 1. 2.

⁸⁷ Gregory of Tours, *History of the Franks*, II. 24-25.

between 484 and 587, no fewer than ten rulers sat on the throne of the Visigothic kingdom.

Although Visigothic kings often attempted to associate their brothers, sons, and grandsons with them on the throne, monarchical stability remained elusive. As the sources suggest, conflicts over royal authority and Visigothic policy toward Rome were endemic among the Goths inhabiting Gaul and Spain, up to and beyond the reign of Euric. For much of the three centuries of Visigothic rule in Spain, peaceful dynastic succession was not a commonly accepted practice among the Visigoths. Euric and four of his descendants ruled their *regnum* for a little over half a century, making it the longest period of royal stability in the kingdom's history. From the reign of Euric on, royal succession by assassination, in addition to succession by fratricide, was common among members of the Visigothic ruling class until the Muslim invasion of Spain in 711 A.D.

Visigothic Spain in the Sixth and Seventh Centuries

Conflict and the Silence of the Sources

Throughout their rule in Spain, Visigothic kings experienced problems of royal succession and civil war about which the sources are clear and unambiguous. The sources also suggest that Gallo- and Hispano-Roman Nicenes were in continuous conflict with their Arian Visigothic rulers. The subject of confessional disputes is, however, addressed only rarely and obliquely by writers in Spain. Throughout their chronicle

accounts, Orosius and Hydatius, Hispano-Roman Nicenes, emphasize the devastation and misery wrought upon the inhabitants of the territory by Visigothic invaders in the fifth century. These Spanish writers detail the military conflicts, but not the confessional ones.

In the sixth century, problems of legitimacy and instability also appear in accounts of Visigothic occupation of Spain. According to John of Biclarum, a Visigothic Nicene writing in Spain, Gothic rulers established a capital at Toledo in the early sixth century after they lost their holdings in Gaul to the Franks in battle at Vouillé in 507. Thereafter, the Visigoths proceeded to consolidate territory and holdings in Spain.⁸⁸ The ruler who accomplished most of this territorial consolidation, the Arian Visigoth Leovigild (568-586 A.D.), first ruled over *Hispania citerior*, and later became the sole ruler of the Visigothic kingdom in 573.⁸⁹

John of Biclarum describes Leovigild's military campaigns, not only against other rulers, such as the Suevic kings of the northwest, but also against indigenous cities and territories. These last the chronicler refers to by ancient tribal names, recalling the classical accounts of Rome's conquest efforts in the peninsula. During the early 570s, Leovigild tried to dislodge the Byzantines from southeastern Spain. Although this military action was unsuccessful, in the later 570s and early 580s he turned his attention to the territorial unification of his Spanish territory, with somewhat better results.⁹⁰ Prominent in John of Biclarum's accounts of Leovigild's reign are two notable features:

⁸⁸ Michael Kulikowski, *Late Roman Spain and Its Cities*, pp. 283-284; John of Biclarum, *Chronicon*, a.568.

⁸⁹ John of Biclarum, *Chronicon*, aa.569 and 573.

⁹⁰ John of Biclarum, *Chronicon*, a.570, ff.

open references to the king's bellicosity and rapacity against his Hispano-Roman subjects and cryptic allusions to religious conflicts within the royal family itself.

The cryptic nature of the Spanish sources on the question of confessional conflicts between Goths and Hispano-Romans becomes even more evident in the late sixth- and early seventh-century texts written in Spain. Leander of Seville (c.540-600.) says nothing explicit concerning these conflicts in his so-called *Rule for Nuns* (c.579). While he alludes to the hardships inflicted by Arian "heresy" in his homily at the Third Council of Toledo (589), he gives no precise or detailed information concerning these hardships. His younger brother, Isidore (c.560-636.), makes little overt reference to Arian-Nicene religious conflicts in his *History of the Goths* (c.624), although he provides extensive commentary on the Goths' rapacity and devastation as a result of their military efforts. Isidore's *Chronicon*, a historical chronicle in the fourth-century Latin tradition of Eusebius and Jerome, also written in the 620s, provides even less detail concerning confessional conflicts in Visigothic Spain than does the *History*.⁹¹

As John of Biclarum and Isidore of Seville both relate, however, in 579, Leovigild's eldest son, Hermenigild (579-584 A.D.), married Ingundis, the daughter of the Frankish king Sisibert, and his father gave him the province of Baetica in the southern part of the peninsula to rule.⁹² Hermenigild established his capital at Seville, but in 583, Leovigild attacked the city and overran it in 584.⁹³ Hermenigild was taken captive and later executed by a Goth at Tarragona in 585, but detailed reports of the prince's death,

⁹¹ *Chronica*, ed. José Carlos Martín, *Isidori Hispalensis Opera*, Corpus Christianorum, Series Latina CXII, Turnhout: Brepols Publishers, 2003.

⁹² John of Biclarum, *Chronicon*, a.579.

⁹³ John of Biclarum, *Chronicon*, aa.583 and 584.

much less the confessional conflicts surrounding it, do not appear in the Spanish sources.⁹⁴ After Leovigild died in 586, his sole surviving son, Reccared (586-601 A.D.), became the Visigothic king of Spain. Shortly after he became king, Reccared converted from Arianism to Roman Catholicism, probably in 587. In connection with Reccared's conversion, no less than four military rebellions led by Visigothic factions hostile to the new king were recorded. These revolts occurred both before and after the Third Council of Toledo in 589, but details of them were only related by Gregory of Tours, writing from the comparative safety of Frankish Gaul, and the anonymous author of the *Lives of the Meridan Fathers* (*Vitae patrum emeretensium*), writing in Spain decades later (c.635-638).⁹⁵ Upon Reccared's death in 602, Visigothic royal succession continued in much the same manner as it had previously, as opposing factions of the ruling class vied with one another for power. By the 620s, when Isidore of Seville wrote his *History of the Goths*, a record of the cruelties of Visigothic rule, the silence of the Spanish sources concerning confessional conflicts between Arians and Nicenes still lingered.

Conflict and Conversion

Confessional conflicts, including individual conversions, such as that of Visigothic prince, Hermenigild, from Arianism to Nicene Catholicism in the 570s, were

⁹⁴ John of Biclarum, *Chronicon*, a.585.

⁹⁵ Gregory of Tours, *History of the Franks. Lives of the Fathers of Merida*, ed. and transl. Andrew Fear, Translated Texts for Historians 26, Liverpool: Liverpool University Press, 1997, pp. 45-106; for a critical edition, see A. Maya Sanchez, *Vitas Sanctorum Patrum Emeretensium*, Corpus Christianorum, Series Latina CXVI, Turnhout: Brepols, 1992.

not explicitly discussed in the Spanish sources. These sources detailed only the military aspects of the conflicts between the Arian king, Leovigild, and his newly-converted son, but religious conversions clearly influenced events. There is unambiguous evidence of Nicene Visigothic bishops in late sixth-century Spain, such as Masona of Merida, and the chronicler John of Biclarum. In addition, Vincent, bishop of Saragossa, converted from Roman Catholicism to Arianism under Leovigild in the 580s, showing that religious conversions did occur, and not just in one direction.⁹⁶ The conversion of this Nicene bishop to Arianism receives only the briefest mention in Isidore's *De viris illustribus*. In fact, Isidore gives just one such account and that in a notice devoted to another bishop who opposed Vincent's descent into "Arian depravity" (*qui ex catholico in arrianam prauitatem fuerat deuolutus*).⁹⁷ Despite the cryptic nature of the Spanish sources, the civil war of the 570s between factions led by Leovigild and Hermenild suggests that Arian and Nicene parties remained hostile to one another. In addition, relations between Christian and Jewish communities under Visigothic rule were not always peaceful, although even less detailed narrative evidence exists for those confessional conflicts.⁹⁸

As noted, for the events of the late sixth century, the scant evidence from our Spanish sources is supplemented by Gregory of Tours. It is he who describes Arian-

⁹⁶ Carmen Codoñer Merino, *El "De Viris Illustribus" de Isidoro de Sevilla: estudio y edición crítica*, Salamanca: Consejo Superior de Investigaciones Científicas, 1964; *cap.* XXX, p. 151.

⁹⁷ *Ibid.*

⁹⁸ In one of the only such explicit accounts for the entire Visigothic period, hostility is reported to have broken out in 418 A.D. between the Jewish and Christian residents of Minorca's only two towns, when Bishop Severus of Minorca forced the conversion of the island's entire Jewish population; *Severus of Minorca: Letter on the Conversion of the Jews*. See also: Ross S. Kraemer, "Jewish Women's Resistance to Christianity in the Early Fifth Century: The Account of Severus, Bishop of Minorca," *Journal of Early Christian Studies*, Vol. 17, No. 4 (Winter 2009) 634-665.

Nicene confessional conflicts in his account of Hermenigild's baptism at Seville in 582, probably at the hands of the city's bishop, Leander.⁹⁹ According to Gregory, two years later Leovigild used his younger son, Reccared, as a pawn to end the stalemated military conflict occasioned by the conversion.¹⁰⁰ During Hermenigild's occupation of Seville, Leander seems to have become a prominent figure in the confessional politics of the Spanish Visigothic kingdom, supporting Hermenigild in the civil war that ensued after his conversion, and undertaking an embassy to Constantinople on the prince's behalf (579/80-580/81). After the deaths of Hermenigild in 585 and Leovigild in 586, Leander was influential in Reccared's conversion from Arianism to Catholicism, probably in 587.

On the entire topic of Hermenigild's conversion and the part played by Leander in the confessional politics and civil war that ensued, John of Biclarum, a Visigothic Catholic, is strangely silent, as is Isidore, both writing in Spain under late sixth- and early seventh-century Visigothic rule. The only detailed accounts of these events were written outside Spain. According to a late sixth-century notice from Pope Gregory I (590-604), friend and correspondent of Leander, the bishop of Seville was intimately involved in Hermenigild's conversion and revolt against Leovigild in the early 580s. The dispute over religious conversion between Visigothic Arians and Hispano-Roman Nicenes was an important aspect of the civil war that arose out of Hermenigild's adoption of Nicene Christianity and revolt against his father's royal authority.

⁹⁹ Gregory of Tours, *History of the Franks*, V. 38, relates that Hermenigild took the baptismal name of John.

¹⁰⁰ Ibid.

In his *Dialogues*, written in 593/4 and dedicated to Leander, Gregory affirms the role that his friend and episcopal colleague played in Hermenegild's conversion.¹⁰¹

As we learnt from the reports of many who came from parts of Spain, recently Prince Hermenegild, son of Leovigild, king of the Visigoths, was converted from the Arian heresy to the Catholic faith by the preaching of a most reverend man, Leander, bishop of Seville, long since bound to me intimately in friendship.¹⁰²

But for accounts such as those of Gregory of Tours and Pope Gregory I, one would hardly know that confessional conflicts between Arians and Catholics, even within the royal family, lay at the heart of much of the political and military chaos of the period, and that Leander was at the center of those conflicts. These accounts of Leander's influence and conversion activities originate not with his contemporaries, John of Biclarum or Isidore of Seville, but with ecclesiastical figures writing from the safety of Italy and Gaul. Additional evidence of Leander's conversion efforts comes from Gregory the Great's Preface to the *Moralia in Job*, which is also dedicated to the Sevillian bishop:

Most blessed brother, as I was getting to know you recently in Constantinople, when the responses of the apostolic see were forcing me to stay there, and a legation ordered over cases of the Visigothic faith had led you there, I exposed your ears to everything that was displeasing [to me].¹⁰³

Despite these notices, Arian-Nicene conflicts in the years leading up to and following Hermenegild's conversion did not revolve solely around the prince, but also resulted from Leovigild's attempts to force his Nicene Hispano-Roman subjects to convert to Arianism. In 580, as John of Biclarum relates in one of his only comments on

¹⁰¹ Roger Collins, *Early Medieval Spain: University in Diversity, 400-1000*, 2nd ed., New York: St. Martin's Press, p. 47.

¹⁰² Gregory the Great, *Dialogues* III.31; this reference is reproduced in *Saint Leander, Archbishop of Seville: A Book on the Teaching of Nuns and a Homily in Praise of the Church*, ed. and transl. John R. C. Martyn, Lanham, Boulder, New York, Toronto, Plymouth, UK: Lexington Books, 2009, p. 160.

¹⁰³ *Ibid.*, p. 159.

such matters, Leovigild tried to effect the conversion of Catholic Hispano-Romans to Arian Christianity by simultaneously offering material incentives to converts and imprisoning, exiling, and confiscating the property of those who refused.¹⁰⁴ In order to ease the restrictions on intermarriage and to encourage conversions, Leovigild conceded the equality of the Father and the Son, but refused to extend that equality to the third Person of the Trinity, the Holy Spirit.¹⁰⁵

Although some Hispano-Romans, such as bishop Vincent of Saragoza, converted to Arianism under these circumstances, confessional differences and political factionalism continued to fracture whatever territorial unity the Visigothic kingdom may have possessed as a result of Leovigild's military successes. Probably in response to these circumstances, Leovigild attempted a legal compromise consistent with the aims of his religious one. In 580, he removed the prohibition on intermarriage between Arian Visigoths and Roman Catholic Spaniards, with seemingly little success.¹⁰⁶ This prohibition was put in place by Euric in the late fifth century to maintain the identity of the conquering Visigoths in Gaul and Spain, but by the late sixth century, the prohibition was presumably less useful to the ruling Visigoths.

Royal pressures brought to bear upon Nicene Hispano-Romans probably exacerbated the tensions created by Leovigild's alterations of the Arian faith of the Visigothic ruling class and his abrogation of ancient law prohibiting intermarriage between Visigothic Arians and Hispano-Roman Nicenes. After Leovigild's death in 586,

¹⁰⁴ John of Biclarum, *Chronicon*, a.580; Isidore of Seville, *History of the Goths*, 50.

¹⁰⁵ John of Biclarum, *Chronicon*, a.580.

¹⁰⁶ Isidore of Seville, *History of the Goths*, 51.

the Third Council of Toledo (589) was the scene of an attempt at religious reconciliation between Arian Visigoths and Hispano-Roman Nicenes, following the confessional conflicts of the 580s.¹⁰⁷ At the council, Reccared, Leovigild's son and successor, confirmed his conversion and that of the Visigoths to the faith of the Hispano-Roman Catholics. There, Reccared, his queen, and a small number of Visigothic bishops and nobles formalized their conversion by reciting the creed of Nicaea, anathematizing Arian dogmas, and pledging faithfulness to the Catholic church.

It was an extraordinary event in the history of the kingdom, since previous Spanish ecclesiastical councils had made little or no attempt to convert either Arians or non-Christians (Jews or pagans) to Nicene Christianity. The Third Council of Toledo in 589 marked the first conciliar effort at Christian religious unification in the peninsula. It was followed by attempts at political unification at the Fourth Council of Toledo in 633, and the constitutionalization of the conciliar *acta* in the Visigothic law code of 654. None of these efforts succeeded in unifying the various Christian and Jewish polities within the Visigothic kingdom.

As this chapter has shown, political factionalism appeared in the Spanish historical record for the better part of a millennium extending from the third century B.C. to the seventh century A.D. Various authoritative hierarchies and strategies developed to address the problem of religious and political disunity on both empire-wide and provincial levels. The sources reflect male concerns about power and the state and the position of religion with respect to both. In the later Visigothic texts, these concerns

¹⁰⁷ For the text of the Third Council of Toledo, see Appendix A.

appear largely through the historical/doctrinal filter of two men, Leander and Isidore of Seville. The purpose of this chapter and the next is to situate them contextually.

CHAPTER TWO

MARRIAGE IN LATE CLASSICAL LAW, CHRISTIAN THEOLOGY, AND POLITICAL DISCOURSE

MARRIAGE AND CIVIC *CONCORDIA*

This chapter will examine the provisions of Roman family law in order to understand the privileged position of men in Roman marriage, which existed for the production of children and the movement of wealth through agnates. Throughout the fourth century, debates on marriage and virginity, as well as the double standard they employed, were based on late Roman tradition, which favored the same concord (*concordia*) and due order in marriage as it did in society. The symbol of both marital and civic concord was the *dextrarum iunctio* pose, stamped on coins and etched on sarcophagi throughout the empire,¹ suggesting that marriage was an important aspect of the private aims and ambitions of individual families.

¹ Judith Evans Grubbs, *Law and Family in Late Antiquity: The Emperor Constantine's Marriage Legislation*, Oxford: Oxford University Press, 1995, repr. 1999, p. 58; the *dextrarum iunctio* pose is that of a man and woman standing next to one another with their right hands joined.

In the second and third centuries, marriage began to bear a symbolic weight in the writings of early Christian authors similar to that which it bore in classical society.² In this strategy, according to Peter Brown, Christian discourse took up the rhetoric of late antiquity, in which harmonious marriage was an emblem for civic concord.³ To this Kate Cooper adds, “Marriage was an allegory of the social order with a potential to instruct according to the writer’s views as to how that order should be perpetuated.”⁴ In late classical discourse, marriage was also a metaphor for disputes over power, and marital rhetoric became an important element of late classical Christian discourse.

In the Visigothic sources, “marriage” constituted the second image for “unity” between opposed Visigoths and Hispano-Romans. Throughout the periods of Roman and Visigothic presence in Spain, male authors presented military conquest in terms of “unity” that assumed the metaphorical contours of a “marriage” between Spain and her conquerors. In these accounts, the wealth of Spain played an important part in explaining to rulers the benefits of *rapprochement* between conqueror and conquered.

ROMAN MARRIAGE AND SOCIAL UNITY IN LATE ANTIQUITY

During Roman occupation of the *provinciae Hispaniae*, the development of Hispano-Roman society and culture was a process of assimilation and acculturation that

² Peter Brown, *The Body and Society*, p. 57.

³ Ibid, pp. 16-17.

⁴ Kate Cooper, *The Virgin and the Bride*, p. 31.

was not entirely one-sided. Roman citizenship rights proffered by imperial *fiat* throughout the empire were important preconditions to the incorporation of *Hispani* into Roman society, and were extended as compensatory benefits of Roman rule to subjugated provincials. As Rome consolidated its hold on the Iberian peninsula, the emperors Vespasian and Domitian granted first Latin, and then Roman, citizenship rights to Spaniards in the first century, and in 212, the emperor Caracalla granted Roman citizenship to all free inhabitants of the empire.⁵

A significant aspect of Roman citizenship was the ability of persons of the same legal status, either freeborn (*ingenuus/a*), freed (*libertus/a*), or unfree (*servus/a*), to marry. Such persons, legally married, could produce legitimate offspring and transmit property to their legitimate descendants, all under Roman law. From the third century A.D., these rights applied generally throughout the empire. Prior to the extension of citizenship, however, early classical Roman law prohibited marriage between Roman citizens and *peregrini* or non-citizens, who were usually the indigenous inhabitants of the imperial provinces. Marriages between citizens and non-citizens produced illegitimate children, who could not inherit the property of their freeborn parents.⁶

⁵ Judith Evans Grubbs, *Law and Family in Late Antiquity*, p. 305.

⁶ Ibid.

Marriage in Classical Roman Law

What did “marriage,” an important citizenship right, also mean in a legal sense at this time? Marriage in classical law has been described as a “social fact,” largely because persons of the same legal status, who expressed an intention to be married and did in fact live as a married couple, were considered to be legally wed. In classical Roman law, a marriage without the consent of the *paterfamilias* was not lawful marriage, and while twenty-five was the age of majority for men and women, twelve was the legal age of marriage for girls.⁷ Thus, while the defining aspects of Roman marriage, both formal and informal, were capacity and intent, impediments might exist.⁸ In addition, irregular and informal marriages also existed; these included elopement, abduction, incestuous relationships, and concubinage.⁹

The two most serious breaches of marriage laws involved the unequal legal status of the partners or adultery. Marriage between persons of unequal status was prohibited in law, beginning with the reign of Augustus (24 B.C.–14 A.D.). In the absence of a contract or dowry, the legal status of the parties was the only way to differentiate between marriage and concubinage.¹⁰ Concubines did not bring a dowry to a union and usually

⁷ Ibid, pp. 141 and 149.

⁸ For a full summary of the legal elements of classical Roman marriage, see Susan Treggiari, *Roman Marriage: Iusti Coniuges From the Time of Cicero to the Time of Ulpian*, Oxford: Oxford University Press, 1991, repr. 1993, pp. 37-80.

⁹ Philip Lyndon Reynolds, *Marriage in the Western Church: The Christianization of Marriage During the Patristic and Early Medieval Periods*, Boston and Leiden: Brill Academic Publishers, Inc., 2001, pp. 101-116.

¹⁰ Judith Evans Grubbs, *Law and Family in Late Antiquity*, p. 294.

bore no children within it.¹¹ Consequently, concubinage relationships were only of interest to legislators when the primary purposes of legal marriage - social order, production of offspring, and the transmission of property - were threatened by less formal unions. Signifying the greater importance of the marriage relationship, adultery was a crime that could only be committed by or with a married woman, and accusations of adultery could only be brought by family members.¹² Outsiders (*extranei*), who might seek to harm the reputation of a woman or her family through slander, could not bring such charges.¹³

Wealth and Offspring

Besides the domestic orderliness of marriages and less formal unions, wealth and the production of offspring were key elements of Roman family legislation. Other than the consent of the parties and a lack of impediments, however, no further ceremonial or contractual confirmation was necessary.¹⁴ In classical Roman law, marriage might be defined contractually by the transfer of a dowry, usually given by the bride's father to the groom or his family. Only in the case of the husband's repudiation of the wife or divorce was the dowry returned to the bride.¹⁵ The dowry often represented a woman's share of

¹¹ Ibid.

¹² Ibid, p. 203.

¹³ Ibid, p. 209.

¹⁴ Ibid, p. 306.

¹⁵ Antti Arjava, *Women and Law in Late Antiquity*, Oxford: Clarendon Press, 1996, repr. 1998, p. 52.

her parental inheritance, and thus, most dowries transferred real wealth.¹⁶ That is why married women kept control of their property, although their husbands had the usufruct of it, and gifts between spouses were invalid.¹⁷ The dowry also indicated a legal marriage (*conubium*), as opposed to concubinage (*contubernium*), and was important in ascertaining the legitimacy of offspring.

Divorce and Remarriage

In classical Roman law, unilateral divorce and remarriage were available to both parties, but in the event of divorce or repudiation, the husband had to return the dowry – real property at once and cash in three annual installments. He could keep a small portion of the dowry, if he could prove that his wife had acted immorally; on the other hand, if he was proven to have been the immoral party, his payments could be speeded up.¹⁸ In a change from classical law, a Constantinian law of 331 A.D. restricted unilateral divorce, but permitted divorce by mutual agreement.¹⁹ Like marriage and divorce, remarriage was a fact of life in Roman society. What worried Romans most about multiple marriages, regardless of whether they were contracted by the husband or the wife, was the situation of children. Roman legislation on remarriage reflected the

¹⁶ Judith Evans Grubbs, *Law and Family in Late Antiquity*, p. 142.

¹⁷ Antti Arjava, *Women and Law in Late Antiquity*, p. 134-135.

¹⁸ *Ibid*, p. 177.

¹⁹ Judith Evans Grubbs, *Law and Family in Late Antiquity*, pp. 253-256.

universal sentiment that property should be preserved and inherited in the direct line of descendants.²⁰

Patria Potestas

One of the features of the Roman family system, memorialized in classical law, was the dominant position of the father, whose authority over his family members was intended to be absolute. This paternal authority was known as *patria potestas*. The system of legal principles that support the father's power over his family is known as the system of *paterfamilias*.²¹ A significant aspect of a father's authority was his ability under Roman law to divide the paternal estate unequally among his descendants.²² In addition, while marriage contracts could not be changed by the whim of the father, at least in theory, bequests to heirs could be.

In classical Roman law, the primary purposes of marital *concordia* were the production of children and the orderly transmission of property, largely between and for the benefit of agnatic kin.²³ Although most Romans did not die intestate, the property of those who did was divided equally among the children.²⁴ Among Roman testators, who in the classical period were usually the upper classes,²⁵ unequal division of the parental

²⁰ Antti Arjava, *Women and Law in Late Antiquity*, pp. 172 and 176.

²¹ Ibid, p. 28.

²² Ibid, pp. 47 and 74.

²³ Judith Evans Grubbs, *Law and Family in Late Antiquity*, p. 60.

²⁴ Antti Arjava, *Women and Law in Late Antiquity*, p. 63.

²⁵ Judith Evans Grubbs, *Law and Family in Late Antiquity*, p. 105.

estate among children was common, and more property was bequeathed to sons than to daughters.²⁶ Daughters received dowries as their portion of the parental inheritance, but even so, they still often inherited less than their brothers; because fathers could make unequal bequests to children, the dowry given to a daughter was in effect a guaranteed inheritance.

Another feature of the system of *paterfamilias* was that the mother was a member of her own natal family, which was considered different from that of her children.²⁷ The immediate consequences for women and children were twofold. First, in the event of divorce or the death of the father, the mother had no guardianship rights over her own children, because they belonged, not to her family, but to their father's.²⁸ A widowed woman's authority was not intended, therefore, to extend to the persons of her children, much less their property.²⁹ In addition, the automatic rights of intestate succession that existed between fathers and children were not available between mothers, who were legally members of their own paternal families, and their biological children, who were by law members of the father's family.³⁰

These particular double standards³¹ (among many in Roman law) concerning inheritance and marriage, which prevented the easy movement of property through

²⁶ Antti Arjava, *Women and Law in Late Antiquity*, p. 63.

²⁷ Ibid, p. 76.

²⁸ Ibid, p. 89.

²⁹ Ibid.

³⁰ Ibid, pp. 95-95.

³¹ Ibid, pp. 193, 202, 231, 258; Judith Evans Grubbs, *Law and Family in Late Antiquity*, pp. 62, 91, 248-250.

women, are believed to be at the heart of the system of *patria potestas*.³² This system was the bedrock upon which the Roman family was built; it permitted a minimum of public involvement in family affairs and a maximum number of options through which the male head of household could wield private authority over his family members.³³ Consequences of the system were weak legal ties between mothers and children, i.e. a woman's lack of succession and guardianship rights in connection with her offspring.³⁴

The marital rhetoric and feminine imagery of the Visigothic sources reflect Roman understanding of marriage, women, and wealth. These topics arise repeatedly in the context of late sixth- and seventh-century religious and political conflicts, where Gothic and Hispano-Roman Christians vie for power at the expense of the peninsula's third confessional group, the Jewish population. It is to the development of the concept of Christian marriage and the Christian political rhetoric based on it that the next subsection turns.

³² Antti Arjava, *Women and Law in Late Antiquity*, pp. 94-95.

³³ Ibid, pp. 262-263.

³⁴ In classical Roman law, it was also impossible to be adopted by a woman, because by legal definition, children were always members of a man's family; see Antti Arjava, *Women and Law in Late Antiquity*, p. 88.

CHRISTIAN MARRIAGE IN LAW, THEOLOGY, AND POLITICAL DISCOURSE

In late classical Roman law, betrothal, marriage, and divorce became increasingly formalized processes, probably due to the influence of Christian ecclesiastical councils. At the Council of Elvira (c.309), for example, the first Christian church council held in the Latin West assessed religious penalties for parents who broke an engagement.³⁵ The definition of Christian marriage, from both civil and ecclesiastical points of view, focused heavily on two aspects of the marriage process - betrothal and divorce. In addition, the Christian definition of marriage posited the inferiority of the marital institution to the maintenance of virginity as a form of religious asceticism.

Christian Marriage in Civil and Ecclesiastical Law

Not long after the Council of Elvira, in a Constantinian law of the early fourth century, the informal betrothal process became a legal act *per se*, a change from previous Roman law in the Western empire.³⁶ The new elements of a legal betrothal varied, but in general, a marital agreement was finalized in the presence of witnesses, a betrothal kiss was exchanged between the prospective bride and groom, a ring (*annulus*) might be given by the groom to the bride, and other gifts exchanged. In the presence of any or all of these elements, the agreement was considered binding on the parties. As a rescript from

³⁵ Canon 54.

³⁶ Judith Evans Grubbs, *Law and Family in Late Antiquity*, p. 177. Of the 81 canons of Elvira, 35 concern marriage, sex, or the behavior of women; another four refer to sexual offenses; Grubbs, pp. 75-76.

the emperor Constantine to a *vicarius* of Spain in 336 indicates, after the betrothal kiss, the betrothal gift had to be returned in the event of the death of one of the betrothed parties.³⁷ The rescript also suggests that betrothal had become a contractual relationship which, in the event of the death of a party, was void. In such an event, where fulfillment of the contract was impossible, items of consideration or monetary value had to be returned.

Evidence of betrothal as a matter of ecclesiastical, as well as civil, jurisdiction appears in a letter from Pope Siricius to Himerius, bishop of Tarragona.³⁸ The letter, the first written by the newly elected pope in 385, indicates that the betrothed parties were veiled or blessed by a priest, and that this further cemented the pre-marital pact between them.³⁹ In this letter, the pope considers it a sacrilege to violate a priest's blessing of a betrothal.⁴⁰ Once the betrothal agreement was affirmed, whether by the presence of witnesses, a kiss or a ring, it could be dissolved only by the death of one of the parties. Christian betrothal, therefore, had some of the aspects of classical Roman marriage, with a new legal element of indissolubility, which corresponds to late Roman law on divorce. The legal element of indissolubility also came to distinguish Christian from Jewish or pagan marriage, at least in theory. On the question of indissolubility, the theology of Augustine, bishop of Hippo in North Africa, had a profound influence.

³⁷ Philip Lyndon Reynolds, *Marriage in the Western Church*, p. 320.

³⁸ Ibid, p. 321. According to Philip Reynolds, *Marriage in the Western Church*, p. 323, the earliest extant liturgies for marital blessing and veiling of Christian betrotheds date from the seventh and eighth centuries and are nuptial masses; he does not, however, provide references to his sources for this information.

³⁹ David G. Hunter, *Marriage, Celibacy, and Heresy in Ancient Christianity: The Jovinianist Controversy*, Oxford Early Christian Studies, Oxford: Oxford University Press, 2007, p. 211.

⁴⁰ Judith Evans Grubbs, *Law and Family in Late Antiquity*, p. 179.

Christian Marriage in Augustinian Theology: *Quiddam Coniugale*

As marriage law changed in the fourth century, debates over the relative merits of marriage and virginity also sought to differentiate both Christian marital and ascetic sexual practices from pagan, Jewish, and non-orthodox ones. The social line between Christians and their Jewish and pagan neighbors was, after all, fluid, and the debates occasioned at the Council of Elvira over sexual behavior, marriage, celibacy, and interactions with non-Christians reverberated in the late fourth- and early fifth-century polemics of episcopal writers, such as Ambrose and Augustine, and monastic authors, such as Jerome. Some of the most strident arguments involved the relative merits of ascetic virginity and marriage for clergy and laypersons and the related question of the nature of Christian marriage as an institution.

These conflicts over the definition of Christian marriage also held more serious religious overtones concerning the moral superiority of virginity. In late fourth-century debates concerning the relative merits of virginity and marriage, accusations of heresy (Manichaeism) based upon a supposed dualistic hatred of the body were levied by Jovinian against Jerome. Jovinian, who favored marriage for clergy and laity and the moral equality of all baptized Christians, opposed Jerome, who argued for the moral superiority of virginity as a more perfect way of life.⁴¹ To soften the acerbic debate between Jerome and Jovinian and to ameliorate accusations of heresy being leveled at the

⁴¹ On this controversy, see generally: David G. Hunter, *Marriage, Celibacy, and Heresy in Ancient Christianity*.

former, Augustine of Hippo, an unmarried bishop, argued against Julian of Eclanum, a celibate monk who favored marriage for the clergy.⁴²

In his argument, Augustine endorsed the celibacy of Christian clergy. At the same time, he argued that the married state (while not as perfect as virginity) was a figure of Christ's union with the church.⁴³ In Augustine's theological view, Christian marriage was a great *sacramentum*, because it reflected the mysterious union that existed between Christ and the Church. The triple blessings of matrimony Augustine defined as offspring, mutual faithfulness (to avoid adultery or fornication), and the sacramental bond.⁴⁴ The third component of marriage, the sacramental bond (*vinculum*) was a mystery (*mysterium*) that eluded precise definition. In this matter, Augustine went only so far as to define the sacred bond of marriage as *quiddam coniugale*, "a conjugal something," which was ineradicable, even by death.⁴⁵

This reasoning led Augustine to claim that, because of its similarity to the indelible mark of baptism, marriage between baptized persons was indissoluble.⁴⁶ Since marriage reflected the union of Christ and the church, divorce, like repudiation of baptism, was not so much impermissible as it was impossible.⁴⁷ By the fifth century, largely because of developing notions of indissolubility, Christian marriage was

⁴² Peter Brown, *Augustine of Hippo*, Berkeley and Los Angeles: University of California Press, 1967, repr. 1969, pp. 61-63 and 88-90; and Peter Brown, *The Body and Society*, p. 388: "Of all the writers of the Early Church, the only sexual past known to us is that of Augustine."

⁴³ Philip Lyndon Reynolds, *Marriage in the Western Church*, pp. 288-289.

⁴⁴ Elizabeth A. Clark, *St. Augustine on Marriage and Sexuality*, Selections from the Fathers of the Church Vol. I, Washington, D.C.: The Catholic University of America Press, 1996, p. 14.

⁴⁵ Philip Lyndon Reynolds, *Marriage in the Western Church*, p. 291-295.

⁴⁶ Elizabeth A. Clark, *St. Augustine on Marriage and Sexuality*, p. 20, citing Augustine of Hippo, *De bono coniugalis* (401 A.D.), 27.15-16, "In marriage there is a bond of fidelity that cannot be dissolved."

⁴⁷ Philip Lyndon Reynolds, *Marriage in the Western Church*, p. 295.

beginning to differ, at least theologically, from marriage among Jews and pagans, who permitted divorce.

Marriage, Virginity, and Christian Polemics

At the same time that Christian marriage was being legally and theologically defined, a similar and closely related debate went on concerning the benefits of virginity as an ascetic practice. Virginity was characterized as a form of marriage as well, with the male or (more usually) female virgin married to Christ, the Bridegroom. From the point of view of churchmen, consecrated female virgins renounced sexuality and the notions of family obligation and childbearing incumbent upon the married, and not coincidentally, brought their property and their persons into the service of the church. In discourse on the benefits of virginity for Christians, male authors developed a hierarchy of laypersons with female virgins at the top, followed by continent widows, and then by married persons.⁴⁸

In this hierarchy, women were passive objects of male control, illustrating a gendered dynamic of power by means of which Christian men asserted authority on the basis of ascetic superiority that in some instances at least, they did not possess. There are only two patristic figures for whom we have evidence of sexual lapses. Jerome refers to his lack of virginity in Letter 48 to Pammachius, a childhood friend, and Augustine

⁴⁸ Peter Brown, *The Body and Society*, p. 361.

details his sexual history in the *Confessions*.⁴⁹ Jerome, who wrote letters of advice to his circle of female correspondents and supporters on how to live the ascetic life, was censured for immoral conduct by the ecclesiastical hierarchy in Rome and told by bishops concerned over his relationships with wealthy women to leave the city in 385.⁵⁰ In response, Jerome left Rome to take up residence in Jerusalem, where he translated for the benefit of his female adherents Origen's *Homilies on the Song of Songs* concerning the spiritual relationship of the Christian virgin with Christ, her Bridegroom.⁵¹

In addition to being the subject of legislation and treatises, marriage, virginity, and women became rhetorical tools in Christian discourse. According to Peter Brown, "authors wrote on women, marriage and sexual intercourse so as to find a way to enable members of the upper class to think aloud about the issues of power, due order, and continuity."⁵² Women played important roles in the rhetorical economy of the early church, but they were neither the authors, nor the real audiences, of the discourse which involved them.⁵³ Such discourse, based on scriptural references to the Song of Songs and

⁴⁹ Jerome, *Ep.* 48.20: *Virginitatem autem in coelum fero, non quia habeam, sed quia magis mirer quod non habeo. Ingenua, et verecunda confessio est, quo ipse careas, id in aliis praedicare.* On this letter, [Latin text in *Patrologia Latina* 22:509-510] see also: J. N. D. Kelly, *Jerome: His Life, Writings, and Controversies*, New York, Hagerstown, San Francisco, London: Harper & Row, Publishers, 1975, p. 188. Augustine, *Confessions*, VI. 15. 25.

⁵⁰ Peter Brown, *The Body and Society*, p. 373; Andrew Cain, *The Letters of Jerome: Asceticism, Biblical Exegesis, and the Construction of Christian Authority in Late Antiquity*, Oxford: Oxford University Press, 2009.

⁵¹ Peter Brown, *The Body and Society*, p. 367; J. N. D. Kelly, *Jerome: His Life, Writings, and Controversies*, New York, Hagerstown, San Francisco, London: Harper & Row, Publishers, 1975, pp. 111-115.

⁵² Peter Brown, *The Body and Society*, p. 22.

⁵³ According to Peter Brown, *The Body and Society*, p. xvii, "It is a dangerous illusion to assume that the presence of women is even sensed by male authors in much of the evidence."

the Pauline epistles, for example, was noted for its relative flexibility and adaptability.⁵⁴ These features also formed the basis of Christian exegetical method, allowing Christian writers to interpret scriptural references on literal, metaphorical, and allegorical levels to argue a particular case in point. Jewish scholars disputed Christian methods of scriptural exegesis, saying that on such a basis, Christians could take Scripture to mean anything they wished. For Christian authors, however, such flexibility was an important tool with which to assert the moral superiority of the church and to position it in the society of the late imperial West. According to Averil Cameron, “the elasticity of Christian discourse enabled it to adapt to different social conditions and in the context of the late empire and its successor kingdoms this was an important factor in its continuing success.”⁵⁵

In this context, late fourth-century Christian writers such as Augustine, Ambrose, Paulinus of Nola, Jovinian, Julian of Eclanum, Rufinus, Pelagius, and Jerome in the Latin West, and John Chrysostom, Basil of Caesaria, Gregory of Nazianzus, and Gregory of Nyssa in the Greek East, addressed the issues of Christian marriage and ascetic sexual practice in moral treatises, letters, and sermons.⁵⁶ Bishops in particular functioned on a local level to mediate the concerns of their parishioners on these topics on a regular basis, and writings from all over the empire, from North Africa to Asia Minor, reflect a preoccupation to define Christian marriage and virginity as ways of life.⁵⁷ For these

⁵⁴ Averil Cameron, *Christianity and the Rhetoric of Empire: The Development of Christian Discourse*, Berkeley, Los Angeles, London: University of California Press, 1991, p. 88.

⁵⁵ Ibid, p. 106.

⁵⁶ Antti Arjava, *Women and Law in Late Antiquity*, p. 25. See also David G. Hunter, *Marriage in the Early Church, Sources in Early Christian Thought*, Minneapolis: Fortress Press, 1992, for selected sources in translation.

⁵⁷ Antti Arjava, *Women and Law in Late Antiquity*, p. 26.

writers, the bridal imagery of the Bible lent itself to an emphasis on the human body in Christian discourse on the merits of marriage and virginity. Such imagery suggested sexuality as an important topic, both in Christian councils and Christian polemical writings.⁵⁸ These topics also enabled Christian writers to express their political views in the guise of polemics on marriage and virginity.

Marriage, Virginity, and Ascetic Politics

Drawing on such familiar themes as marriage, virginity, and sexuality, Christian writers of sermons and treatises used language already comprehensible to their audiences. Out of debates on the proper limits of Christian behavior arose a political discourse on the exercise of public authority.⁵⁹ In this discourse, Christian rhetoric on marriage and virginity represented a strategy of ascetic politics with which to create boundaries between Christian and other religious communities and to establish rights to public authority on the basis of sexual purity and moral superiority.⁶⁰ The rhetoric on conjugal union reflected tension between secular and ecclesiastical authority. It also signaled a dividing line between bishops, many of them married members of the provincial Roman aristocracy who favored traditional marriage, and a more separatist faction who promoted celibacy.⁶¹ Many of the traditionalist bishops, such as Julian of Eclanum, Paulinus of

⁵⁸ Averil Cameron, *Christianity and the Rhetoric of Empire*, pp. 68 and 72.

⁵⁹ Ibid, p. 130.

⁶⁰ Ibid, p. 66.

⁶¹ Ibid, p. 91.

Nola, and Pelagius (the provincial bishop from Britain), were more openly concerned with the exercise of power than with the temptations of sex.⁶²

In debates concerning rights to exercise public authority, men argued with other men about power in language permeated with marital and sexual imagery, such as that found in the Song of Songs.⁶³ Late fourth-century Christian discourse that allegorized the church as a virgin bride depended heavily on interpretations and reinterpretations of the erotic language of the Song of Songs and Origen's third-century commentary on it.⁶⁴ Jerome, for example, utilized both texts in his writings, to the point that he was accused of and felt it necessary to defend himself against charges of being an Origenist.⁶⁵ The Song of Songs was a key text, not only in exegesis, but also in debates over the merits of virginity and marriage.

Marriage, Virginity, and Political Division

In the polemic that characterized these debates, virginity came to represent a point of political division that stood for real conflicts over authority within the Christian community, as well as between Christians and non-Christians.⁶⁶ Women and wealth were the objects of the marriage and virginity debates, in which writers such as Ambrose,

⁶² Peter Brown, *The Body and Society*, pp. 409-410.

⁶³ Averil Cameron, *Christianity and the Rhetoric of Empire*, pp. 65-66.

⁶⁴ *Ibid.*, pp. 175-176.

⁶⁵ *Origen: The Song of Songs, Commentary and Homilies*, transl. R. P. Lawson, Ancient Christian Writers, No. 26, Westminster, Maryland: The Newman Press and London: Longmans, Green and Co, 1957. On Jerome's translations of Origen's commentaries on the Song of Songs, see: Andrew Cain, *Letters of Jerome*, pp. 48-50.

⁶⁶ Averil Cameron, *Christianity and the Rhetoric of Empire*, p. 178.

Jerome, and Augustine were concerned with the authority of the church and its patrimony in Roman and post-Roman society. For these male authors, at stake was the composition of the Christian community and its leadership, as well as the wealth that made the exercise of episcopal authority possible.

In debates over the relative merits of marriage and virginity, those who favored marriage for clergy and laity viewed the proper role of the Christian church in society as a unifying entity. By contrast, an ascetic faction sought to attribute moral superiority to celibates and virgins as an avenue to power.⁶⁷ Ascetics sought to separate the church from the world, while traditionalists sought to live a Christian life in unity with the whole of society.⁶⁸ Using the Song of Songs as a key text in disputes over authority, both parties argued their views in the context of Arian-Nicene conflicts over episcopal rights to public authority in the cities of the late Roman empire. These debates over authority and the polemic that characterized them also influenced the Visigothic sources, a topic with which the following sub-section concludes this chapter's discussion of marital rhetoric as a code for disputes over power and status.

⁶⁷ Kate Cooper, *The Virgin and the Bride*, pp. 91-95.

⁶⁸ Ibid.

MARRIAGE AND VIRGINITY IN THE RHETORICAL ECONOMY OF VISIGOTHIC SPAIN

Leander of Seville on Marriage and Virginity

It is useful to examine the attitudes of Leander and Isidore of Seville toward marriage, women, and wealth as social realities, because the evidence examined in the following chapters appears, largely filtered through these two men. Leander's surviving corpus consists of only two works, his treatise on virginity addressed to his sister Florentina⁶⁹ (c.579 A.D.) and his closing homily at the Third Council of Toledo (589 A.D.).⁷⁰ In the first text, Leander supposedly addresses his concerns over his sister's virginity to her. In this regard, the treatise reveals a great deal about Leander's attitudes to women as he conveys lengthy prescriptions for a monastic life. In the second text, Leander's homily addressed to the conclave of Visigoths and Hispano-Romans at the Third Council of Toledo, women do not appear as women, but solely as rhetorical devices. In the only two texts extant from Leander of Seville, therefore, the only real woman visible in them, his younger sister, Florentina, is an absent but endlessly

⁶⁹ *Leandro de Sevilla: De la instrucción de las virgenes y desprecio del mundo*, ed. and transl. Jaime Velázquez, Madrid: Fundación Universitaria Española, 1979; critical Latin edition with Spanish translation. An English translation of Leander's treatise on virginity can also be consulted in: *The Fathers of the Church: Iberian Fathers, Martin of Braga, Paschasius of Dumium, Leander of Seville*, ed. and transl. Claude W. Barlow, Washington, D.C., The Catholic University of America Press, 1969, pp. 175-228.

⁷⁰ *La colección canónica Hispana*, eds. Gonzalo Martínez Díez and Félix Rodríguez, 6 vols., Madrid: Consejo Superior de Investigaciones Científicas, 1966-1997. Volume V, edited by Félix Rodríguez and published in 1992, contains the Latin texts of the Third and Fourth Councils of Toledo. English translations of these texts appear as Appendices A and B to this dissertation.

inspiring, preached to, controlled female counterpart to the author, for whom she is neither the real addressee nor the real audience of his writing.

In his treatise on virginity, which is the subject Chapter Three, Leander presents the trials of marriage in visceral detail, openly expressing his disdain for it, although he uses the marital metaphor to represent the path of consecrated virginity that he wishes Florentina to pursue. His attitude toward wealth has the same irony that his attitudes toward women and marriage indicate, since the pretext for Leander's treatise on virginity is his alleged concern for his sister's inheritance of the parental estate. This inheritance Leander seeks to replace with the spiritual legacy that he persuades Florentina to accept as a consecrated virgin from her heavenly Bridegroom, who is Christ.

In his homily given at the close of the Third Council of Toledo, about which more will be said in Chapter Five, Leander uses metaphors of marriage, women, and wealth to represent the Nicene church's relationship with Christ, that church's travails relative to the Visigothic Arian ruling and ecclesiastical hierarchies, and ecclesiastical patrimony. In Leander's exegesis, the Nicene church exists with Christ in a marriage relationship in which the Arian faith constitutes a heretical, adulterous, female interloper and competitor for God's divine love and approval.

Isidore of Seville on Marriage, Women, and Wealth

The Etymologies

Isidore of Seville's existing *corpus* is more extensive than Leander's, and his attitudes toward the realities of marriage, women, and wealth appear even more explicitly. These attitudes are easily discernible in the *Etymologies*⁷¹ that Isidore produced in the 620s and in his prescriptive work, *On Church Offices (De ecclesiasticis officiis)*,⁷² composed between 598 and 615. In the *Etymologies*, Isidore defines women and marriage, along with the origins and purposes of both.

Women, in the *Etymologies*, are opposite from men (*viri*), in whom resides greater power (*vis*) and who deal with women by means of it.⁷³ The word for women (*mulier*) in Isidore's explication comes from feminine softness or sexual license (*mollities*), and because of these defining characteristics of men and women, they are differentiated by their respective strength and weakness.⁷⁴ Strength is greater in the man

⁷¹ The standard Latin edition of the *Etymologies* is W. M. Lindsay, *Isidori hispalensis episcopi, Etymologiarum sive originum Libri XX*, 2 Vols., Oxford: Clarendon, 1911. A recent English-language edition is available in a single volume with a Latin-English index: *The Etymologies of Isidore of Seville*, transl., intro., and notes by S. Barney, W. J. Lewis, J. A. Beach, O. Berghof, Cambridge: Cambridge University Press, 2006. The discussion here is based on the English translation.

⁷² *De ecclesiasticis officiis*, ed. Christopher M. Lawson, *Isidori Episcopi Hispalensis Opera*, Corpus Christianorum, Series Latina CXIII, Turnholt: Typographi Brepols Editores Pontificii, 1999. An English translation of Isidore's *De ecclesiasticis officiis* is available in *Isidore of Seville: De Ecclesiasticis Officiis*, transl. and intro. Thomas L. Knoebel, Ancient Christian Writers: The Works of the Fathers in Translation No. 61, New York and Mahway, N.J., The Newman Press, 2008. The discussion here is based on the English translation.

⁷³ *Etymologies* XI.xi.xvii, p. 242.

⁷⁴ *Ibid.*

and, therefore, requires the woman's corresponding submission.⁷⁵ This paradigm of dominance and submission is a necessity in Isidore's view, for if it did not exist, "lust should drive men to seek out something else or throw themselves upon the male sex."⁷⁶

Isidore explains further that women appear in ranks or grades dependent on their states of sexual purity and submissiveness relative to men. Distinct from a virgin by having fulfilled her reproductive function, a matron (*matrona*) is a married woman who has borne children and enjoys the benefits of marriage;⁷⁷ a widow, by contrast, has lost these sexual and other material benefits through her husband's death.⁷⁸ These descriptions of women contrast with those of men, who fall into a single descriptive category devoid of sexual subdivisions.

According to Isidore, women function primarily in marriage, which is a legal union between a man and a woman in which the man is the petitioner and the woman the respondent.⁷⁹ Earnest money (*arrabo*) is given by the man and accepted by the woman for the purpose of affirming their intent to marry, indicating a financial transaction initiated by a man for a wife.⁸⁰ In this scheme, a pledge (*arra*) is similarly a sign of proper intentions in forming a legal marriage between the parties and constitutes a contract.⁸¹ Matrimony (*matrimonium*) signifies both the lawful passing of a woman into her husband's control and the contract that enjoins this act upon the parties. *Coniugium*

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ *Etymologies* IX.vii.xii, p. 211.

⁷⁸ Ibid.

⁷⁹ *Etymologie* IX.vii.i-v, p.210.

⁸⁰ Ibid.

⁸¹ *Etymologies* IX.vii.xix, p. 211.

(conjugal union) and *conubium* (marriage) are additional terms to refer to legal matrimony entered into voluntarily and indissolubly by equals in citizenship and/or legal status.⁸²

These definitions convey traditional Greco-Roman attitudes, but Isidore elaborates further on them. According to him, there are only three reasons for a man to marry a woman: offspring, partnership, and lack of sexual self-restraint.⁸³ In choosing a husband, women should consider four elements: valor, family, appearance, and wisdom.⁸⁴ In selecting a wife, men should consider four things in love: beauty, family, wealth, and character.⁸⁵ In a marriage relationship, a woman necessarily exists in the power of her husband, “because [women] are quite often deceived by the fickleness of their minds; [w]hence, it was right that they were repressed by the authority of men.”⁸⁶ As a consequence of the fickle minds of women, thus, “... the ancients wanted their unwed women, even those of mature age, to live in guardianship”⁸⁷

De ecclesiasticis officiis

Isidore’s knowledge of marriage, women, and wealth is quite detailed, as his work *On ecclesiastical offices* (*De ecclesiastical officiis*) also shows. He bases his discussion

⁸² *Etymologies* IX, vii.xx-xxi, p. 211.

⁸³ *Etymologies* IX.vii.xxvii, pp. 211-212.

⁸⁴ *Etymologies* IX.vii.xxviii, p. 212.

⁸⁵ *Etymologies* IX.vii.xxviii, p. 212.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

on the Old Testament dispensation for marriage, Paul's epistolary admonitions on sexual propriety, and patristic thought.⁸⁸ In a detailed description of the marriage ceremony, Isidore indicates that a husband and wife are bound by a cord of purple and white. The colors signify the purposes of marriage: to provide sexual outlets for those who cannot control themselves and to produce offspring. The cord itself symbolizes the marital debt that husband and wife owe to one another, "the obligation to be paid [that] will not be denied."⁸⁹ In the marriage ceremony, the bride is veiled to demonstrate her acceptance of her henceforth subjugated and humble state in relation to her husband.⁹⁰ A ring is given by the husband to the wife to show their mutual faithfulness, and "placed on the fourth finger so that by the vein in it something of the blood, as it is carried will arrive all the way to the heart."⁹¹

Isidore laments that men and women both look only for wealth and beauty in prospective spouses, although the shape of a beautiful woman is both an incitement to concupiscence and "draws the deep breaths of all after it."⁹² It is difficult to guard a beautiful woman who is loved by many, but love does not inform all marriages, some of which exist solely for the production of offspring, as the dowry agreements indicate in writing, and thereby avoid sin.⁹³ Isidore replicates Augustine's understanding of human marriage as a metaphor for the relation between the church and Christ, between whom

⁸⁸ *De ecclesiasticis officiis* II.xx, pp. 97-102.

⁸⁹ *De ecclesiasticis officiis* II.xx.vi, p. 99. On sexuality in the *Etymologies* of Isidore of Seville, see: Henar Gallego Franco, "La sexualidad en 'Las Etimologías' de San Isidoro de Sevilla: Cristianismo y mentalidad social in Hispania visigoda," *Textos medievales, Hispana sacra* 55 (2003) 407-431.

⁹⁰ *De ecclesiasticis officiis* II.xx.v, p. 99.

⁹¹ *Ibid.*

⁹² *De ecclesiasticis officiis* II.xx.viii, p. 100.

⁹³ *Ibid.*

there exists an inseparable and ineradicable bond.⁹⁴ In this scheme of Christian marriage, divorce is impermissible and both parties owe the bond of faithfulness to one another. Indeed, the man should serve as an example of continence to his wife in this regard.⁹⁵

According to Isidore, the mutual bond of faithfulness between husband and wife does not extend to equality between them. The wife must be subject to her husband, even though she possesses greater nobility of blood and wealth, since it is contrary to the laws of God and nature when a woman wishes to be superior to a man; after all, even pagan women serve their husbands.⁹⁶ Married Christian women who desire to rule their husbands, therefore, overturn the order of nature and create a household “that is called miserable and perverse.”⁹⁷ In a similar way virgins are subject to Christ, who is their Bridegroom. The marriage metaphor extends to the proper relationship between the universal church and its Spouse.⁹⁸

ASCETIC POLITICS IN VISIGOTHIC SPAIN

In such ways, Leander and Isidore of Seville illustrate their understanding of gendered constructions of masculinity and femininity on the basis of sexual difference, and situate themselves in late Christian discourse on the relative benefits of marriage and

⁹⁴ *De ecclesiasticis officiis* II.xx.x-xi, p. 100.

⁹⁵ *De ecclesiasticis officiis* II.xx.xi-xiii, pp. 101-102.

⁹⁶ *De ecclesiasticis officiis* II.xx.xiv-xv, p. 102.

⁹⁷ *Ibid.*

⁹⁸ *De ecclesiasticis officiis* II.xviii.i-ii, p. 92.

virginity. Leander adheres to the views of the fourth-century Nicene faction that favored virginity over marriage as a way of life, to assert the moral superiority of the clergy, and to separate Christian and other religious communities. Isidore, while not favoring marriage, at least recognizes the importance of it for maintaining social ties, producing offspring, and transferring wealth. In this, Isidore demonstrates the attitudes of the fourth-century Nicene traditionalist faction, which viewed marriage as a means of social cohesion. More will be said about the importance of Isidore's political views in Chapter Four, which examines his *History of the Goths*, and in Chapter Six, which takes account of his influence over the Fourth Council of Toledo.

The two authors base their conceptions of women as rhetorical tools on the Christian discourse of late antiquity. In the Visigothic texts, the dual conceptual frameworks of "unity" and "marriage" constitute a simultaneous way to speak to both the Spanish Catholic majority and the newly-Catholic ruling Visigoths, who appear as feminine and masculine entities, respectively, in a new paradigm of Christian unity. In this early medieval vision of Christian unity, there is no divorce or separation, and no non-Christian need apply: hence the need to homogenize Catholicism legislatively after the rule of the Arian Visigoths disappears, at which time Jews become the new enemy of "unity." For contemporaries, no other paradigm existed with which to represent political and religious realities, but in the context of Spanish history, the political unification of Visigoth and Hispano-Roman Christians is new and the concept of unity is, therefore, also new. Unlike the ancient accounts, the Visigothic texts argue for a very different,

ideally unified Spain that ends in 711 A.D., when it cannot resist a new, outside, invading force.

PART II

NARRATIVES

Chapters One and Two demonstrated that in the centuries of Roman and Visigothic occupation, religious and political factionalism appear repeatedly in the Spanish historical record. The narrative, conciliar, and legal sources of the period reproduce hostility, rapacity, and treachery concealed under the gendered images of “unity” and “marriage.” In the ancient and early medieval sources for the history of Roman and Visigothic Spain, disunity is the paradigm. This aspect of the texts is illustrated by marital rhetoric and gendered imagery, which developed in the context of imperial fragmentation and the appearance of new polities to replace the old.

As Chapters Three and Four will demonstrate in greater detail, Leander stresses repudiation of marriage and Isidore enjoins marriage as a Christian *sacramentum* for laypersons. The two bishops employ similar marital and gendered imagery to promote both ways of life, although neither holds a particularly exalted view of either “real” marriage or “real” women. The purpose of their rhetoric is to express their polemical attitudes toward the ruling Visigothic minority based on the precedents of late antiquity: Leander in terms of strict separation illustrated in his treatise on virginity and Isidore as a potential marriage relationship suggested in his historical etiology of Spain’s Gothic

rulers. These two influential figures utilized Christian marital rhetoric and oppositional gendered imagery to signify civic order and to redefine Visigothic society along lines more advantageous to themselves and to the Hispano-Roman majority.

CHAPTER THREE

LEANDER OF SEVILLE: *ON THE INSTRUCTION OF VIRGINS* *AND CONTEMPT OF THE WORLD*

This chapter argues that a so-called *Rule for Nuns*, written c.579 A.D. by Leander of Seville (c.540-600 A.D.), was a treatise on virginity in the fourth-century tradition.¹ This textual source establishes the images of marriage, women, and wealth used to express power and rights to public authority, and evidences a discourse undocumented in the history of Visigothic Spain.² With the images, Leander of Seville represents the interests of indigenous Hispano-Roman Christians and of the Nicene church against secular Visigothic rule, modeling his polemical efforts on the Christian political discourse developed in the context of the Arian-Nicene debates of the late fourth and early fifth centuries.

¹ *Leandro de Sevilla: De la instrucción de las virgenes y desprecio del mundo*, ed. and transl. Jaime Velázquez, Madrid: Fundación Universitaria Española, 1979 is a critical Latin edition with Spanish translation.

² On the public authority of bishops in late antiquity, see: Claudia Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition*, Berkeley, Los Angeles, London: University of California Press, 2005. Rapp defines episcopal authority in early Christianity as spiritual, ascetic, and pragmatic, pp. 16-18, *passim*.

Leander of Seville's writing constitutes a claim to political authority based on religious "orthodoxy" or correct belief. In such claims, what appears obvious – virginity and history – is freighted with more complex messages. By their very nature, claims of orthodoxy in late antiquity necessarily involved an assertion of authority by one group at the expense of another.³ In keeping with fourth-century precedents, the wars of orthodoxy in late sixth-century Visigothic Spain increased the political power of Hispano-Roman Nicenes, and enhanced episcopal authority for those who mediated it.⁴ Using conventional Christian genres and *topoi* from the pamphlet wars of late antiquity to accomplish his aims, Leander took political and religious positions that promoted the interests of Hispano-Roman Catholics, and in doing so, placed himself in opposition to the ruling Visigothic Arian minority. This chapter will consider how and why the Spanish bishop mediated the confessional conflicts of the period, and used the gendered, marital rhetoric of late fourth- and early fifth-century Christian debates to assert orthodox rights to public authority and the proper exercise of power.

³ Averil Cameron, "The Violence of Orthodoxy," *Heresy and Identity in Late Antiquity*, eds. Eduard Iricinschi and Holger M. Zellentin, Texts and Studies in Ancient Judaism 119, Tübingen, Germany: Mohr Siebeck, 2008, p. 106, n.16, and p. 112.

⁴ Roger Collins, *Early Medieval Spain: Unity in Diversity, 400-1000*, 2nd ed., New York: St. Martin's Press, pp. 56-57.

LEANDER'S *RULE FOR NUNS* AS A TREATISE ON VIRGINITY

Bishop Leander of Seville (c.540-600 A.D.) wrote a letter (c.579 A.D.) addressed to his younger sister Florentina (c.550-633 A.D.) in the context of political and religious divisions in late sixth-century Spain.⁵ Leander was the eldest brother of three siblings, Florentina, Fulgentius (c.550-c.630 A.D.), and Isidore. The latter two served as bishops of Astigi (Ecija) and Seville, respectively.⁶ Isidore succeeded Leander as bishop of Seville in c.600, and included chapters on his brothers in his *De viris illustribus* (*On famous men*), one of only a handful of extant contemporary sources for Leander's life and writings.⁷

There was no ancient equivalent of the *De viris illustribus* genre written by or about women. Less evidence is available for the life of Florentina, the ostensible addressee of Leander's treatise, than for her three brothers. She is known primarily for her association with her male siblings, although Isidore dedicated his polemical exegetical treatise, *De fide catholica contra iudaeos in veterum et novum testamentum* (*Concerning*

⁵ The treatise's critical editor places the date of production between 578 and 580 A.D.; *Leandro de Sevilla: De la instrucción de las vírgenes y desprecio del mundo*, p. 22. I have adopted the date of c.579 A.D. herein.

⁶ Ibid, pp. 13-21, contains a full biographical treatment of Leander of Seville.

⁷ Carmen Codoñer Merino, *El "De Viris Illustribus" de Isidoro de Sevilla: Estudio y edición crítica*, Salamanca: Consejo Superior de Investigaciones Científicas, Instituto "Enrique Flórez," 1964, pp. 148-150, *Capitulae* XXVII and XXVIII.

the Catholic faith against the Jews in the Old and New Testament) to her in a brief notice.⁸

According to Florentina's late hagiographical *vita*, she probably became a local saint recognized in an informal procedure of canonization, although the establishment of her early cult is mostly a matter of conjecture. Her official cult was established in 1504 by Cardinal Francisco Ximenes de Cisneros, who was probably responsible for translating her relics from the monastery of Santa Maria del Valle to the cathedral church in Leon.⁹ Following hagiographical tradition, modern scholars often assume that Florentina was already a consecrated virgin when *De institutione virginum et contemptu mundi* was written, but the text itself suggests otherwise.¹⁰ An epitaph of uncertain provenance dedicated to Leander, Isidore, and Florentina exists in a Latin transcription. There, where the remains of Leander and Isidore reside, Florentina's body is attested epigraphically to rest, separated from the limbs of her elder brother by those of her younger one.¹¹

⁸ *Sancti Isidori Hispalensis Episcopi, De fide catolica ex veteri et novo testamento contra judaeos a florentinam sororem suam, Patrologia Latina Cursus Completus, Series secunda*, ed. J.-P. Migne, Paris, 1850, 83: 449-538.

⁹ "Vita Sancta Florentina," *Acta Sanctorum (AASS), Jun. III, Jun. XX*, ed. Joannes Bollandus, et al., nov. ed., ed. J. Carnandet, et al., 64 vols., Paris, 1863- , pp. 16-18.

¹⁰ For an example of this assumption, see Jane Tibbets Schulenberg, *Forgetful of Her Sex: Feminine Sanctity and Society, c.250-1000*, Chicago: University of Chicago Press, 1989, p. 274. The treatise's modern editor, Jaime Velásquez, shares the same assumption; *Leandro de Sevilla, De la instrucción de las virgenes y desprecio del mundo*, pp. 22-23.

¹¹ The epigraphic Latin text, found in *Patrologia Latina*, 72: 893-894, is as follows: *Beatorum Leandri, Isidori et Florentinae Epitaphium. Crux haec alta gerit sanctorum corpora fratrum, Leandri Isidorique piorum ex ordine vatum. Tertia Florentina soror devotae perennis. Et posita amborum consors sic digna quiescit. Isidorus medio disiungit membra duorum. Hi quales fuerint libris inquiritis, lectores, Et cognosce illos bene cuncta fuisse locutos, dogmata sanctorum cernens crevisse fideles Aeterno domino, quos impia iura tenebant. Utque viros credas sublimes vivere semper aspiciens sursum pictos contende videre. Obiit feicis memoriae Leandri episcopi die III Kalend. Martias, aera DCXLI.* "This high cross marks the bodies of the two holy brothers, Leander and Isidore, successors of the pious prophets, and of the

Leander's writing to Florentina, known in medieval manuscripts and early published editions as *Liber de institutione virginum et contemptu mundi*, provides important clues to religio-political conflicts about which then-contemporary Spanish sources are either cryptic or altogether silent.¹² Written in the form of a personal missive, Leander's treatise exists in a number of manuscripts produced from the ninth to the thirteenth centuries, as well as in early published editions.¹³ The work consists of a prefatory letter, which discusses the advantages of abandoning the world and espousing Christ, and thirty-one chapters on the development of ascetic virtues and practical precepts for the communal life.

Until the publication of a critical edition in 1979, the standard modern reference text of *De institutione virginum et contemptu mundi* was contained in the *Patrologia Latina*, which contains only twenty-one chapters of the original work.¹⁴ In 1948, A. C. Vega discovered and published a longer version from an ninth-century Escorial manuscript in which Chapter 3 is twice as long as that previously known, and in which

third body, Florentina, an ever-devoted sister. Thus the worthy woman rests, placed with both of her brothers. Isidore lies between and separates the limbs of the other two. What kind of people they were you, readers, find in books. Know that they, accepting the doctrines of the saints faithful to eternal God, preserved them to be used against impious powers. Whence, you should trust that these lofty ones sought always to live with their visages turned to the heavens, striving to discern those things depicted there. In memory of Bishop Leander, who died on the third day of the Kalends of March in the [Spanish] era 641-2 [603-4 A.D.].” The date and authorship of the epitaph are unknown. The translation is mine.

¹² The critical edition by Jaime Velázquez contains the fullest gathering of the available manuscript evidence, but I have also consulted Barlow's English translation and utilized it in this chapter to reproduce quotations, except where noted. In addition, throughout this chapter, I have substituted Barlow's references to “nun” with the term “virgin,” which corresponds more closely to the Latin text of the critical edition and reflects a less anachronistic sense of institutional monasticism in Visigothic Spain

¹³ For the manuscript tradition of the treatise, see the discussion of Jaime Velázquez in *San Leandro de Sevilla, De la instrucción de las virgenes*, pp. 49-83; for early published editions see pp. 83-88 of the same volume. I have examined *De institutione virginum et contemptu mundi* in two of the oldest manuscripts: Biblioteca Nacional, Madrid, BN MS.112, s.IX-X, fols.42r-103r; and Real Academia de la Historia, Madrid, RAH Cod. 53, s.X-XI, fols.1r-24v (=134r-157v).

¹⁴ *Patrologia Latina*, 72: 873-894.

there are ten more chapters immediately following.¹⁵ In 1949, Jose Madoz published a Latin edition from a thirteenth-century Monte Cassino manuscript, which contained most of the material from the Escorial manuscript, as well as three additional chapters, numbers 28-30.¹⁶

The *Rule* as Paradox

Leander's writing addressed to his sister presents a paradox. The work was described by Isidore thus:

Moreover, he [Leander] produced (*edidit*) a small book (*unum libellum*) previously noted in the titles of his separate pieces (*titulorum distinctionibus praenotatus*) [i.e. Leander's anti-Arian treatises], addressed to his sister, Florentina [or entitled] (*ad Florentinam sororem*), on the training of virgins (*institutione virginum*) and the contempt of the world (*et contemptu mundi*).¹⁷

According to Isidore's notice, the letter was not simply a private missive written to a sister for personal reasons. It was produced or broadcast (*edidit*) in the sense of "published," rather than simply "written" (*scripsit*), prior to the anti-Arian treatises that Leander wrote in Constantinople. This implies that the letter to Florentina was produced

¹⁵ A. C. Vega, *El «De institutione virginum» de San Leandro de Sevilla*, El Escorial: Scriptores Ecclesiastici Hispano-Latini Veteris et Medii Aevi, 1948.

¹⁶ Jose Madoz, "Una nueva transmisión del '*Libellus de institutione virginum*' de San Leandro de Sevilla," *Analecta Bollandiana* 67, 1949, pp. 407-424. The text is available in an English translation based on Vega's version; *Iberian Fathers, Martin of Braga, Paschasius of Dumium, Leander of Seville*, ed. Claude W. Barlow, The Fathers of the Church, Washington, D.C.: The Catholic University of America Press, 1969, pp. 175-228.

¹⁷ Carmen Codoñer Merino, *El "De viris illustribus" de San Isidoro*, p. 150. *Praeterea edidit unum ad Florentinam sororem de institutione uirginum et contemptu mundi libellum, titulorum distinctionibus praenotatum.*

in Spain, that it was written to be circulated, and that it served as a backdrop to other anti-Arian writings that Leander later produced when he was safely out of the country.

Based on the work's personal tone and its lack of a daily regimen, it is the view of its modern editor, Jaime Velásquez, that: "Leandro nunca pretendió hacer de sus exhortaciones una autentica regla"¹⁸ Pablo C. Díaz suggests the same, saying that Leander's *persuasio* addressed to his sister "is not really a monastic rule," and that the idea that it constitutes one should be left to one side.¹⁹ Roger Collins argues that references to monks in Baetica do not appear until the 550s or 560s, and that institutional monasticism did not make an impact in Spain until the mid-seventh century, decades after Leander wrote his treatise on virginity.²⁰

Other scholars continue to view the treatise as an authentic female monastic rule, although with reservations. Ursicino Domínguez del Val has cautiously suggested that, although the work does not contain a daily regimen like the Benedictine Rule, Leander probably intended for it to set certain monastic parameters. Leandro Navarra has concurred with this conclusion.²¹ Claude Barlow, a modern translator of Leander's written *corpus*, agrees that the text has long been regarded as a monastic rule, although it is unique among its peers. He expresses doubt about Leander's original intent in writing it, saying that "[the work] is not a detailed way of life for nuns, for it does not consider a

¹⁸ Jaime Velásquez, *San Leandro de Sevilla, De la instrucción de las virgenes*, p. 23.

¹⁹ Pablo C. Díaz, "Monasticism and Liturgy," in *The Visigoths: Studies in Culture and Society*, ed. Alberto Ferreiro, Leiden: Brill Publishers, 1999, p. 178.

²⁰ Roger Collins, *Early Medieval Spain: Unity in Diversity*, pp. 79-86.

²¹ Ursicino Domínguez del Val, *Leandro de Sevilla y la lucha contra el arrianismo*, Madrid: Editora Nacional, 1981, pp. 150-161. Leandro Navarra, *Leandro de Siviglia: Perfil storico-letterario*, Roma: L.U. Japadre Editore L'Aquila, 1987, pp. 75-111.

daily and hourly regimen,” and “[m]uch of the variation between manuscript families is certainly due to various attempts to adapt the work as a *Rule* for nuns.”²²

This chapter will argue that Leander’s letter, written in the context of late sixth-century conflicts between the Arian Visigoths and their Hispano-Roman subjects, is foremost a treatise on virginity in the fourth-century tradition. As such, it is an articulation of Nicene doctrine and of the legitimate authority of the Nicene church against the ruling Arian Visigoths. It expresses the author’s challenge to the illegitimate exercise of secular power, and is an important source of evidence for the religious conflicts that influenced contemporary political events.

The treatise cannot be treated as a simple expression of Leander’s ascetic sexual attitudes to a younger sister. It is, rather, a deliberately crafted statement in which Florentina constitutes neither the real subject, nor the real audience, of Leander’s polemics. She is rhetorical medium with which Leander disputes the issue of religious and political authority with other men in oppositional, gendered terms. The genre that he employs, a treatise on virginity, was a time-tested means of engaging polemical battle by and between Christian adversaries.

²² Claude W. Barlow, *The Fathers of the Church: Iberian Fathers, Martin of Braga, Paschasius of Dumium, Leander of Seville*, pp. 179-181.

THE PREFATORY LETTER

Leander's two-part treatise on virginity begins with a letter of advice to his sister, the pretext for which is her desire to travel to Cartagena, where their younger brother Fulgentius was attempting to stake claims to family property. Cartagena had been devastated during military clashes between Byzantine and Gothic forces in 577 A.D.²³ Leander overrides his sister's wish to travel there and to participate in family business, citing the dangers inherent in such actions.

The Inheritance of Virginity

Wondering what sort of inheritance and dowry he might provide to Florentina in lieu of her share of the parental estate, the endowments Leander has in mind are spiritual, not material:

I was reflecting, dearest sister (*carissima soror*) Florentina, on what heaps of wealth I might make you heir and by what sort of inheritance I might enrich you, ... [since] gold and silver are of the earth and return to the earth; estates, inheritances, and incomes are worthless and transitory, 'for this world, as we see it, is passing away' (reference to 1 Corinthians 7:31, in which Paul instructs the church at Corinth on the sexual discipline appropriate to married and unmarried Christians).²⁴

²³ John of Biclarum, *Chronicon*, a.577. A modern critical edition of the *Chronicon* can be found in Julio Campos, *Juan de Biclaro, Obispo de Gerona: su vida y su obra, Introducción, texto crítico y comentarios*, Madrid: Consejo Superior de Investigaciones Científicas, 1960.

²⁴ *De institutione virginum*, Praefatio 1, p. 98; Barlow, p. 183.

Although the focus of Leander's rhetoric here is primarily wealth, rather than sex, he nevertheless follows this passage with a reference to Augustine's treatise on virginity, *Holy Virginity (De sancta virginitate)*,²⁵ invoking the North African bishop's authority, and contextualizing his own treatise among the late fourth- and fifth-century polemical debates over marriage, virginity, and moral authority.

To his description of a virgin's rightful legacy and the material and spiritual wealth at her disposal, Leander adds allusions to Cyprian's *The Dress of Virgins (De habitu virginum)*²⁶ and Ambrose's *On Virginity (De virginitate)*.²⁷ These were important third- and fourth-century ascetic treatises on female virginity as a symbol of Christian moral authority. Alluding to the Old Testament figure of King Solomon, who despaired about "the man who is to come after me," wondering "whether he will be a wise man or a fool," Leander expresses a rejection of secular power as empty vanity and implies criticism of the vagaries of royal succession and the accumulation of worldly wealth by the powerful.²⁸

According to Leander, the virgin bride's inheritance is her Bridegroom, "the one before whom angels tremble, whom powers serve, whom virtues obey, to whom things

²⁵ Ibid. *Saint Augustine: Treatises on Marriage and Other Subjects*, The Fathers of the Church Vol. 27, New York: Fathers of the Church, Inc., 1955, pp. 143-212, "On Holy Virginity."

²⁶ *De institutione virginum*, Praefatio, 7, p. 100; Barlow, p. 184. For references to women's wealth in Cyprian, *De habitu uirginum* 11, see: *St. Cyprian: Treatises*, The Fathers of the Church Vol. 36, New York: Fathers of the Church, Inc., 1958, pp. 40-41, *passim*.

²⁷ *De institutione virginum*, Praefatio, 10, p. 101; Barlow, p. 185. For references to in Ambrose, *On virginity (De virginitate)* I, 3,11, see: *The Principal Works of St. Ambrose*, Nicene and Post-Nicene Fathers of the Christian Church Vol. X, eds. Philip Schaff and Henry Wace, New York: The Christian Literature Company, 1896, p. 365.

²⁸ *De institutione virginum*, Praefatio 6, p. 99; Barlow, p. 184; Ecclesiastes 2.4.9, 2.11, 2.18-20.

celestial and terrestrial bow down.”²⁹ Other references in this passage include Augustine’s treatise on virginity, the Psalmist’s ode to the bridegroom, and the Song of Songs, which anchor Leander’s treatment of spiritual empowerment to patristic and scriptural authority.³⁰ In Leander’s *explicatio*, the church, represented by Florentina as a virgin bride of Christ, is endowed with the power of her Bridegroom, “For He dearly loves the one whom He espoused with His own Blood.”³¹ Having bought the purity of the church with His suffering, the *ecclesia* has been consecrated in its virginity.

Like his predecessors, Cyprian, Ambrose, Jerome, and Augustine, who wrote treatises on virginity, Leander employs Florentina as a rhetorical foil with which to address the coded political language of late antiquity to his male audience. Although these patristic writers often addressed their political treatises to women, they were speaking to men. The authors’ relations with actual women reflect more accurately their critical attitudes toward them, a point abundantly made by Elizabeth Clark in a variety of articles on the Latin writers of late Christian antiquity. Comparing the relationships with women of ascetic “theoreticians,” such as Jerome and Augustine, Clark concludes that their writings ostensibly addressed to and concerned with female ascetic sexual and other

²⁹ *De institutione virginum*, Praefatio 14, p. 103; Barlow, p. 185-186.

³⁰ Augustine, *On Holy Virginity (De sancta virginitate)*, 54; Psalm 44.3 (Vulgate version) and Song of Songs 6.8. On patristic usage of marital imagery contained in Psalm 44 (Vulgate version), see: David G. Hunter, “The Virgin, the Bride, and the Church: Reading Psalm 45 in Ambrose, Jerome, and Augustine,” *Church History*, Vol. 69, No. 2 (June, 2000) 281-303.

³¹ *Ibid.*

practices squared little, either with the male authors' own ascetic practices, or with their documented relationships with actual women, which were often tense and contentious.³²

Clark finds similarly telling the lack of familial references in the writings of Jerome and the complete silence of the sources on Augustine's relationship with women after his separation from his unnamed concubine and the death of his mother, Monica. The sister whom Augustine instructs on the ascetic life is never in his voluminous writings so much as named.³³ While the writings of male patristic figures that include correspondence with women were carefully preserved and circulated in epistolary collections, the letter collections of these same women were not. On this basis, Clark argues that modern scholars who read the "reality effect" in details of patristic writings addressed to women or in early Christian hagiography run the risk of seriously misreading the sources, which were never intended to be about women themselves.³⁴

The Authority of Virginity

In Leander's rhetoric, virginity is a point of political division for Nicene and Arian Christians, between whom he endeavors to maintain strict boundaries in the face of royal military, religious, and civil pressures. The real subject of his treatise, the church (*ecclesia*) as virgin bride, refers to the Nicene Catholic church and its adherents, who are

³² Elizabeth A. Clark, "Theory and Practice in Late Ancient Asceticism: Jerome, Chrysostom, and Augustine," *Journal of Feminist Studies in Religion* (1989) 25-46.

³³ Elizabeth A. Clark, "Antifamilial Tendencies in Ancient Christianity," *Journal of the History of Sexuality*, Vol. 5, No. 3 (Jan., 1995) 356-380.

³⁴ Elizabeth A. Clark, "Holy Women, Holy Words: Early Christian Women, Social History, and the 'Linguistic Turn'," *Journal of Early Christian Studies* 6:3 (1998) 413-430.

the targets of Arian Visigothic domination. Contemporary sources, all of them Nicene ecclesiastics, describe the 570s as a period during which the Visigothic ruler Leovigild (568-586) engaged in military action against indigenous Hispano-Roman communities on a peninsula-wide scale, taking local landowners and their families hostage and attaching their wealth to the royal fisc.³⁵ Although the Christian sources refer often to Visigothic greed and rapacity in their accounts of ruling avarice, Leander exhibits much the same avidity to reallocate his sister's paternal inheritance and to apportion to her the spiritual recompense which she may expect as a consecrated virgin.

In addition to concerns over patrimony, episcopal authority is at issue in Leander's exhortations. From John of Biclarum's contemporary account, it is known that aside from his bellicosity in initiating military conflicts throughout the peninsula, the Visigothic king, Leovigild, was personally involved in a dispute over episcopal authority at the local level with Masona, the Nicene bishop of the provincial capital of Merida.³⁶ Leander's treatise on virginity was written in this context. His attacks on secular rule, greed for wealth, and marriage oppose transitory, earthly power to divine authority, embodied in the Nicene Catholic church as virgin bride.

Leander addresses his sister, not as a person, but as a personification of the church (*ecclesia*), to counsel strict separation and demand resistance to royal pressure: "Why should you, a virgin, wish to give a man a body already redeemed by Christ? One has

³⁵ John of Biclarum, *Chronicon*, aa.570-585.

³⁶ Ibid. For a more detailed account of events at the local level during the reign of the Visigothic king Leovigild (569-585 A.D.), see also: *Lives of the Fathers of Merida*, ed. and transl. Andrew Fear, Translated Texts for Historians 26, Liverpool: Liverpool University Press, 1997, pp. 45-106.

redeemed you and you wish to marry another?”³⁷ Leander’s repeated references to his own lack of virginity in these passages do not prevent him from exercising authority over a putative female addressee, or from asserting his spiritual authority as a representative of the virgin church against external, secular domination.³⁸

The Integrity of Virginity

Emphasizing the spiritual power inherent in virginity, Leander paradoxically contrasts his own state of sexual purity to that of his sister as a representation of the church: “I am not worthy, dearest sister, to speak of the rewards of virginity for it is an ineffable gift, concealed from the eyes, hidden from the ears, veiled from the understanding.”³⁹ The power of the Bridegroom and his male adherents rests on a divine union that is never consummated. Leander’s language and imagery here bring the current religio-political situation into relief, reinserting virginity into a familiar domestic economy as a spiritual “marriage.” According to Elizabeth Clark, “the metaphor of ‘celibate Bridegroom’ enabled male Christian authors simultaneously to valorize the institution of marriage while lauding (in a titillating manner) sexual continence.”⁴⁰

Leander’s confession mirrors that of Jerome in *Epistle* 22, addressed to Paula’s daughter Eustochium, in which the monk encouraged the young member of a wealthy

³⁷ *De institutione virginum*, Praefatio 18, p. 104; Barlow, p. 186.

³⁸ *De institutione virginum*, Praefatio 23, p. 106; Barlow, p. 187.

³⁹ *De institutione virginum*, Praefatio 19, p. 104; Barlow, p. 187.

⁴⁰ Elizabeth A. Clark, “The Celibate Bridegroom and His Virginal Brides: Metaphor and the Marriage of Jesus in Early Christian Ascetic Exegesis,” *Church History* 77:1 (March 2008) 1-25.

Roman family to embrace virginity, although he himself had not: “I do not blush to avow my abject misery; rather I lament that I am not now what I once was.”⁴¹ Jerome also confessed his sexual lapse to a male friend: “I extol virginity to the skies, not because I myself possess it, but because not possessing it, I admire it all the more. Surely it is a modest and ingenuous confession to praise in others that which you lack yourself.”⁴² In a similar vein, Leander confirms his own lapse of integrity, saying: “Although I do not have within myself what I wish you to achieve, and may grieve that I have lost what I want you to keep, yet meanwhile, I shall have some portion of forgiveness if you, the better part of my body (*si tu, quae pars melior mei es corporis*), do not walk ‘in the way of sinners,’ if you hold most firmly to that which you have.”⁴³

Leander’s plea, thus far somewhat cryptic in nature, becomes both more emphatic and more explicit:

Held thus in the Bridegroom’s embraces, you may ask and obtain pardon for me. Your love in Christ shall be my indulgence, and however little hope of forgiveness I have, if the sister whom I love shall be married to Christ, and if in that terrible and dreadful judgment when there is a weighing of deeds, acts, and omissions, and I, woe is me, am forced to give an account of my own services, you will be my comfort and my solace, then the punishment that is due me for my

⁴¹ Jerome, *Ep.* 22.7, dated 385 A.D. (Latin text in *Patrologia Latina* 22:398): *Non erubesco infelicitatis meae miseriam confiteri, quin potius plango me non esse, quod fuerim.* Discussing in his letter to Eustochium the sexual torments that plagued him as a celibate desert monk, Jerome says: “I do not blush at my [former] hapless state; nay rather, I lament that I am not now what I was then.” An English translation can be found in *The Letters of St. Jerome*, Vol. I, Letters 31-22, transl. Charles Christopher Mierow, Ancient Christian Writers, the Works of the Fathers in Translation, Westminster, Maryland: The Newman Press; London: Longmans, Green and Co., 1963, p.140.

⁴² Jerome, *Ep.* 48.20, dated 393 A.D. (Latin text in *Patrologia Latina* 22:509-510): *Virginitatem autem in coelum fero, non quia habeam, sed quia magis mirer quod non habeo. Ingenua, et verecunda confessio est, quo ipse careas, id in aliis praedicare.*

⁴³ According to Claude Barlow, “Some have taken this to mean that Leander was once married, but surely it is only a statement of saintly modesty,” p. 189, n. 15. *De institutione virginum*, Praefatio 29, p. 108; Barlow, p. 189. Barlow’s English translation has “if you, the better part of our body,” p. 189, but the Latin critical edition specifies *mei*, and indicates no variant in the manuscripts. Jerome, *Ep.* 48, 20.

errors may possibly be relieved by the intercession of your chastity. By your advance in virtue, you will defend me of my guilty deeds if you cling to Christ; and if you please Him, I shall not be weighed down by what I have done to displease Him; while He is indulgent to you, He will spare me; nor will He allow to perish a brother whose sister He has espoused. Through you, perhaps, I shall be released from the spiritual debt (*chirographum*) which I have contracted ... Sister, have pity ...⁴⁴

With these words that emphasize a woman's wifely charms as the most potent instrument at her disposal, Leander imprints upon the body of Florentina the body of the virgin church, who serves as heavenly patroness and intermediary.⁴⁵ At the same time, he limits the female body in extreme ways that, as with sexual integrity, do not apply to him.

Allusions to Jerome and Augustine in this portion of Leander's treatise on virginity emphasize personal sexual transgression as a symbol of human sinfulness.⁴⁶ These allusions also suggest the hypocrisy with which male Christian authors delimited the bodies of women like Florentina, who are not only silent in the sources, but whose cults were probably only made important because of their associations with their episcopal brothers. Another reference to Jerome's *Epistle* 22 to Eustochium is noteworthy in this set of passages, because this letter was characteristic of Jerome's efforts to rehabilitate himself as an ascetic after accusations of illicit relations with

⁴⁴ *De institutione virginum*, 31-34, pp. 109-110; Barlow, pp. 189-190.

⁴⁵ Kate Cooper, "Insinuations of Womanly Influence: An Aspect of the Christianization of the Roman Aristocracy," *The Journal of Roman Studies*, Vol. 82 (1992) 150-164; the particular point concerning a woman's sexual influence on her husband's "edification" in late classical male writings is made on p.159.

⁴⁶ Jerome, *Ep.* 48.20; Augustine, *Confessions*, VI. 15. 25. See also Peter Brown, *Augustine of Hippo*, Berkeley and Los Angeles: University of California Press, 1967, repr. 1969, pp. 61-63 and 88-90; and Peter Brown, *The Body and Society*, p. 388: "Of all the writers of the Early Church, the only sexual past known to us is that of Augustine."

women forced his departure from Rome.⁴⁷ In admonishing his sister, Leander is speaking to male power, as did his fourth-century literary models.

The Dangers of Marriage

To this personal and impassioned appeal for the authority inherent in a state of sexual purity that he did not possess, and with fifteen additional references to the late classical debates over marriage and virginity in passages 41 to 52 of the prefatory letter, Leander adds cautions about the dangers of the outside world and of marriage.⁴⁸ His praise of virginity and criticism of marriage allude to contemporary religio-political circumstances in Visigothic Spain. This is suggested by repeated invocations of the classics of late fourth-century polemics concerning Nicene definitions of orthodoxy and heresy. These writings, forged during a period of intense Arian-Nicene conflicts, include: Ambrose's treatise on virginity, a statement of rigorist Nicene orthodoxy written to his sister Marcellina during Nicene-Arian conflicts in Milan in the 380s;⁴⁹ Jerome's Letter 22 to Eustochium, written in 385 upon Jerome's exile from Rome for his relations with wealthy women;⁵⁰ Jerome's treatise, *Adversus Jovinianum*, written as an *exemplum*

⁴⁷ Jerome, *Ep.* 22.1. For a useful study on Jerome and his use of various genres in the interest of self-promotion and rehabilitation, see: Stefan Rebenich, *Jerome*, London and New York: Routledge, 2002. For a study of Jerome's letters to his female adherents and his attempts at self-representation through the epistolary medium, see: Andrew Cain, *The Letters of Jerome: Asceticism, Biblical Exegesis, and the Construction of Christian Authority in Late Antiquity*, Oxford Early Christian Studies, Oxford: Oxford University Press, 2009.

⁴⁸ *De institutione virginum*, Praefatio 41-52, pp. 113-118; Barlow, pp. 190-193.

⁴⁹ Ambrose, *On holy virginity (De sancta virginitate)*, I. 4. 15, I. 6. 29, I. 6. 30, and I. 13. 11.

⁵⁰ Jerome, *Ep.* 54.7; and *Ep.* 22.2, 22.5, 22.15, and 22.19.

of his separatist position on marriage in 393;⁵¹ and Augustine's treatise on virginity, written in 401 to combat accusations of Manichaeism.⁵²

In this portion of his treatise, Leander crafts an *apologia* concerning sexual transgression in order to reinforce the notion of the church as *mediatrix* between the human and the divine. This intersection also represents the dividing line between secular and ecclesiastical authority.⁵³ The earlier treatises and letters to which Leander refers were produced in the context of fourth-century Arian-Nicene conflicts. The incorporation of these texts into Leander's treatise suggests the Sevillian's self-identification with both the ascetic positions and the anti-Arian attitudes of his Nicene predecessors.

Orthodoxy and the Heretical "Other" Woman

With his stance on the superiority of the virgin church firmly established in the Nicene tradition, Leander is able to employ the marital metaphor freely in order to express his views on the contemporary political situation: "Recall my sister, the misfortunes of human marriage, and close your eyes, lest you behold vanity."⁵⁴ He goes on to explicate the pitfalls of the conjugal state, describing them in vivid detail:

⁵¹ Jerome, *Adv. Jov.*, 1.12, 1.13, and 1.16. Jovinian's assertions in favor of marriage are reconstructed by David Hunter, *Marriage, Celibacy, and Heresy in Ancient Christianity: The Jovinianist Controversy*, Oxford Early Christian Studies, Oxford: Oxford University Press, 2007, pb. 2009.

⁵² Augustine, *De sancta virginitate*, 10.

⁵³ Caroline Walker Bynum, *Fragmentation and Redemption: Essays on Gender and the Human Body in Medieval Religion*, New York: Zone Books, 1992, p. 142.

⁵⁴ *De institutione virginum*, Praefatio 43, p. 114; Barlow, p. 191. Cf. Ambrose, *De virginitate* I. 6. 30.

The first dangers of marriage are these: the corruption of the flesh, the disgust caused by the corruption, the weight of the womb when pregnant, the pangs of birth that often bring one to the threshold of death, wherein both the function and the fruit of marriage perish, as the mother and her offspring are both lost and all that nuptial pomp is brought to naught by the finality of death.⁵⁵

Leander follows this passage by contrasting the virginal state with the married one in an *altercatio*. The married secular woman, who represents heretical belief throughout the treatise, is guilty of three-fold adultery: that of the mind whereby she schemes fraud, that of the body whereby she changes her appearance with deceit (*figmento*), and that of the outer garments, whereby “she smells of a foreign odor not her own” (*alieno fragrat odore*).⁵⁶ Here Leander refers to the “dangers” of Leovigild’s conduct, encoding a set of warnings against the dark underside of Arian Visigothic rule, which according to the Nicene bishop includes greed, violence, and religious infidelity.

Leander’s use of the figure of the heretical woman to oppose Visigothic Arianism as a “heresy” to Nicene “orthodoxy” is based on fourth-century polemical devices designed to elevate the authority of Nicene bishops over their Arian opponents. Virginia Burrus has instructively illustrated this point by examining the writings of such fourth-century patristic authors as Alexander and Athanasius, bishops of Alexandria, Epiphanius, bishop of Cyprus, and Jerome.⁵⁷ In Leander’s *altercatio*, the virgin bride of Christ, which represents Nicene orthodoxy, rightfully refuses domination by a selfish husband, which in the treatise stands for Visigothic rule. The “gendering of orthodoxy”

⁵⁵ *De institutione virginum*, Praefatio 44, pp. 114-115; Barlow, p. 191. Cf. Jerome, *Ep.* 22.

⁵⁶ *De institutione virginum*, Praefatio 48, p. 116; Barlow, p. 192.

⁵⁷ Virginia Burrus, “The Heretical Woman as Symbol in Alexander, Athanasius, Epiphanius, and Jerome,” *Harvard Theological Review* 84:3 (1991) 229-48.

as a female virgin was a fourth-century rhetorical strategy also employed by Ambrose of Milan against his Arian opponents.⁵⁸

Leander simultaneously employs gendered constructions of the figures of the manly female virgin and the heretical married woman in order to vaunt the superiority of Hispano-Roman Nicene religious “orthodoxy” over Visigothic Arian “heresy.” Unlike the heretical married woman, the virgin church is ignorant of adulterous deceptions, and retains her sex without feeling the necessity of sex” (*uirgo nescia sexum habet et sexus necessitate ignorat*).⁵⁹ According to Leander, “[F]orgetful of feminine fragility, she lives in manly vigor and has also strengthened a weak sex, nor has she led herself into the service of the body, which by the law of nature should be subject to a man.”⁶⁰ A virgin who has become manly in her virtues through innocence and purity, is not, thereby, also guilty of “unnatural” affections, since her female body is devoted to the service of her heavenly Bridegroom.⁶¹ The virgin church, moreover, properly conceives with the Holy Spirit seven virtues: modesty, patience, sobriety, humility, temperance, charity, and chastity,⁶² and holds “the chief place in the kingdom of God.”⁶³ In these and subsequent passages on female ascetic virtues, the chief attribute of the manly virgin is that she

⁵⁸ Virginia Burrus, “‘Equipped for Victory’: Ambrose and the Gendering of Orthodoxy,” *Journal of Early Christian Studies*, 4:4 (1996) 461-475.

⁵⁹ *De institutione virginum*, Praefatio 49, p. 116; Barlow, p. 192.

⁶⁰ Ibid. [*F*]emineae fragilitatis oblita, rigore uirili subsistit atque infirmum sexum uirtute solidauit, nec adduxit seruitio corporis, quod lege naturae uiro subiacet. The English translation is mine.

⁶¹ Bernadette Brooten, “Paul’s Views on the Nature of Women and Female Homoeroticism,” *Immaculate & Powerful: The Female in Sacred Image and Social Reality*, eds. Clarissa Atkinson, et al., The Harvard Women’s Studies in Religion Series, 1984, pp. 61-87, makes this point in the context of the first century.

⁶² *De institutione virginum*, Praefatio 54, p. 118; Barlow, p. 194.

⁶³ *De institutione virginum*, Praefatio 55, p. 119; Barlow, p. 194.

presumes nothing and expects nothing in the way of worldly ambition, power, or advancement.⁶⁴

In his prefatory discourse, Leander draws on the Christian rhetorical traditions of late antiquity that constructed and circumscribed the bodies and sexual identities of women. He does so in order to discuss late sixth-century religio-political conflicts between ruler and ruled. Gender provides a means with which to conceptualize differences between the Arian Visigothic ruling class and their Hispano-Roman subjects and to assert moral superiority for the Nicene faith. In such writings, men in relation to “their” women are symbolic of wider social values in the context of recurring political instability and the reality of military engagement during Leovigild’s reign.

In a related context, Kate Cooper has argued that in sixth-century North Africa, “lack of a stable framework of rulership in which political and social institutions could find their footing was deeply felt.”⁶⁵ In the face of similar royal instability in the contemporary Spanish Visigothic kingdom, Leander’s ascetic treatise was likewise intended to “ground the exercise of secular authority in Christian virtues which could survive the vicissitudes of political factionalism.”⁶⁶ Handbooks on conduct performed much the same function as polemical treatises addressed to male readers, both religious

⁶⁴ A point well-made three decades ago by Elizabeth A. Clark, “Ascetic Renunciation and Feminine Advancement: A Paradox of Late Ancient Christianity,” *Anglican Theological Review*, 63 (1981) 240-57.

⁶⁵ Kate Cooper, “Household and Empire: The *Materfamilias* as *Miles Christi* in the Anonymous *Handbook for Gregoria*,” *Household, Women, and Christianities in Late Antiquity and the Middle Ages*, eds. Anneke B. Mulder-Bakker and Jocelyn Wogan-Browne, Turnhout: Brepols, 2005, pp. 92.

⁶⁶ *Ibid*, p. 104.

and lay.⁶⁷ Leander frames the second part of his treatise in terms of a code of Christian conduct designed as much to differentiate as to instruct.

ON THE INSTRUCTION OF VIRGINS

In the narrative chapters (*capitulae*) that follow the prefatory letter, Leander enjoins cultivation of the seven virtues conceived by the church with the Holy Spirit, and describes the practices appropriate to an ascetic life. In language at once more personal and direct than the eloquent declamations of the prefatory letter, these chapters of Leander's treatise are still to be understood as metaphorical renderings of his chief concern: the dangers that capitulation to Visigothic secular and ecclesiastical domination pose to the Nicene faithful. In a set of "instructions" that constitutes a code of moral conduct for the body of believers represented by Florentina, Leander places restrictions upon conversation, social interaction, daily occupations, dress, perfume, jewelry, reading material, prayer, food, drink, baths, laughter, and personal property.

These ascetic categories are throw-backs to the conciliar prohibitions of the Council of Elvira (c.309),⁶⁸ but also reflect the restrictions that Jerome, for example, enjoined on his female correspondents. Among these correspondents was the young

⁶⁷ Described by Kate Cooper, "Household and Empire: The *Materfamilias* as *Miles Christi* in the Anonymous *Handbook for Gregoria*."

⁶⁸ Samuel Laeuchli, *Power and Sexuality: The Emergence of Canon law at the Synod of Elvira*, Philadelphia: Temple University Press, 1972.

Roman virgin, Blesilla, a daughter of Jerome's wealthy female devotee, Paula. Blesilla died of starvation in the course of an ascetic program urged on her by Jerome, and it was her death that may have prompted Jerome's departure from Rome in 385.⁶⁹ Leander's invocation of these ascetic categories also recalls the sexual standard imposed on women that Christian authors such as Jerome and Augustine failed to apply to themselves.⁷⁰ Demonstrating a preoccupation with the physical body, wealth, and public reputation, Leander uses these categories to discuss religio-political issues in terms of gendered, binary oppositions, negatively comparing married women to virgins and women to men. In these chapters, sex and wealth are the major themes of Leander's constructed, binary oppositions, in which the two themes stand for the physical and spiritual corruption of the world.

Married Women as Instruments of Satan

Leander's instructions open with a characterization of married women as instruments of Satan, who are different from the virgin in dress and attitude, and symbolize his chief point of differentiation between Hispano-Roman Nicenes and Visigothic Arians. Understood as heresy (in this case Arianism) personified, such women are "sirens," sexual temptresses, who constitute a danger to the sanctified state of

⁶⁹ J. N. D. Kelly, *Jerome: His Life, Writings, and Controversies*, New York, Hagerstown, San Francisco, London: Harper & Row, Publishers, 1975, pp. 98-99; Stefan Rebenich, *Jerome*, pp. 33, 39, and 119.

⁷⁰ On Jerome's relationship with Blesilla and contemporary criticisms of Jerome's behavior, see also: Kate Cooper, *The Virgin and the Bride: Idealized Womanhood in Late Antiquity*, Cambridge, Massachusetts and London, England: Harvard University Press, 1996, pp. 68-69, 71, and 81-82.

the consecrated virgin.⁷¹ Spurning association with married women, a virgin should also avoid the company of men, clerical and lay, suggesting that the church as bride of Christ should observe strict separation from the temptations of the secular world.⁷² These passages reflect Leander's previous invocation of the "manly woman" and the "heretical woman" as oppositional figures, who represent the integrity of the Nicene church and its members against the corruption of Visigothic Arianism.

The church's reputation (*fama*) is also at issue here, expressed explicitly through cautions about sexual involvements with married women and all men. Redeploying fourth-century Christian polemic concerning the "heretical woman," Leander emphasizes that the sex of a man and a woman is different. Inappropriate contact between men and women damages the public reputation of both, suggesting the boundaries that should exist between secular and ecclesiastical authority, respectively. He confirms this by saying that both sexes are the work of God and men are to be loved as such, but only at a distance and solely for their good works.⁷³ The virgin-whore dichotomy that Leander employs in these passages on the proper behavior of an ascetic female was a tactic of fourth-century Christian treatises that, according to David Hunter, discussed religious "orthodoxy" and "heresy" in terms of the bodily integrity of the consecrated virgin.⁷⁴

⁷¹ *De institutione virginum*, I.1, p. 123; Barlow, p. 197. This warning also echoes those of Cyprian and Jerome on the dangers of public appearances as occasions of concupiscence, both for the female virgin and for her admirers. Cyprian, *De habitu uirginum* 18; Jerome, *Ep.* 130.18 (Latin text in *Patrologia Latina* 22: 1133).

⁷² *De institutione virginum*, II.1, p. 125; Barlow, p. 198. Jerome, *Ep.* 22.14; Jerome, *Adv. Jov.* 1.7.

⁷³ *De institutione virginum*, III.1, p. 126; Barlow, p. 198.

⁷⁴ David G. Hunter, *Marriage, Celibacy, and Heresy in Ancient Christianity: The Jovinianist Controversy*, pp. 22, 187.

The same treatises opposed the figure of the virgin to that of the married woman, whose body suffered the corruptions of sexual intercourse and the sundering of childbirth.

Virginity and Christian Inequality

Leander's gendered constructions in these passages on the proper separation of ecclesiastical authority from secular domination also utilize the figure of Mary. She is the virgin church's chief example of innocence and purity, because she attained glory by making herself a proper receptacle as the Mother of Christ through the avoidance of men, i.e. secular involvements.⁷⁵ The *virginitas* of Mary *in partu* and *post partu* was an especially emotive aspect of late fourth-century and early fifth-century Christological disputes over the two natures of Christ, human and divine. In debates over the perpetual virginity of Mary, the issue was also the equality of all baptized persons, whether married laity or celibate clergy.⁷⁶ Leander's allusions to the controversy between Jerome and Jovinian over the equality of all Christians, married or celibate, reflects this late classical polemic. While emphasizing the need for the virgin church to remain aloof from polluting religious and secular involvements, Leander is also advocating episcopal stances first taken by the Council of Elvira in the early fourth century, namely, the separation of a celibate ecclesiastical hierarchy from the order of laypersons and the erection of strict social boundaries between Nicene Catholics and other religious groups.

⁷⁵ *De institutione virginum*, III.8-9, p. 128; Barlow, p. 200.

⁷⁶ David G. Hunter, *Marriage, Celibacy, and Heresy in Ancient Christianity: The Jovinianist Controversy*, pp. 22, 187.

The Qualities of a Virgin

Internal Disposition

Moving from vices to virtues, Leander enumerates the qualities of character and commitment that a consecrated virgin should cultivate. Modesty, even more than charity, is “the nurse and mother of a virgin’s every virtue,” because it holds both the appearance and the exercise of power and authority in check.⁷⁷ Emphasizing restraint, Leander indicates that the only thing free about a virgin should be her conscience, again in the interest of public reputation.⁷⁸ He suggests that the exercise of authority, particularly in public speech, is a vice in women, although it is “just” in men,⁷⁹ and freedom of speech also appears as an occasion for unchastity.⁸⁰ According to Leander, wrath and pride are the causes of immodesty, and in these passages he once again employs the useful virgin-whore dichotomy in the interest of a power dynamic that he considers desirable: a virgin who exhibits these sins is no better than a harlot, for “she who is not subject to men is a prostitute of demons (*prostituta daemonum*).”⁸¹ These instructions suggest the modest manner in which the ecclesiastical hierarchy should conduct itself vis-à-vis secular authority, the attitude laypersons should adopt in their conduct in the community, and the

⁷⁷ *De institutione virginum*, VI.1, p. 131; Barlow, p. 201.

⁷⁸ *De institutione virginum*, VII.1, p. 132; Barlow, p. 202.

⁷⁹ *De institutione virginum*, VII.3, p. 132; Barlow, p. 203.

⁸⁰ *De institutione virginum*, VIII.1, p. 133; Barlow, pp. 203-204.

⁸¹ *De institutione virginum*, IX.1, p. 134; Barlow, p. 204.

avoidance of wrath or pride by both. Emphasizing that the flesh is subject to the soul, Leander signals the proper relationship between the secular and the sacred.

External Appearance

Moving from internal disposition to external appearance, the physical body of the consecrated virgin becomes Leander's the central theme. Through his sister, he recalls the virgin church to humility concerning her intellectual tradition, expressed as a quality of the mind.⁸² He warns that teaching should be done publicly first by example and only then by words: "You should not be learned in speech and reproved in deed, but rather, things spoken should proceed from your good deeds, so that what you demonstrate in deeds, you may teach with words."⁸³

These chapters, more than one-third of the total, enjoin a code of conduct designed to set the church apart from the rest of society, but they also detail precisely the incursions into the province of pragmatic clerical authority that are not permissible to a consecrated virgin, namely, public authority, clerical dress, and teaching. Ascetic practices which enhance the public reputation of her male family members are, however, within her purview. Temperance in eating is a necessity, so that (compared with Eve) a

⁸² *De institutione virginum*, XI.1, p. 137; Barlow, p. 206.

⁸³ *De institutione virginum*, XII.3, p. 139: *Non sis sermone docta et opera reprobata, sed magis dicta tua facta praecedant bona, ut quod docueris uerbis, ostendas factis*. The English translation is mine.

virgin might give no cause for scandal by immoderation.⁸⁴ In addition, reading and prayer should be constant for the formation of the mind and the heart.⁸⁵ Here, Leander especially cautions against literal or “carnal” interpretation of the Old Testament, with its many descriptions of marriage and children,⁸⁶ and implies that Christians have replaced the ancient Hebrews as a Chosen People.

The Boundaries of Virginity

In an effort to distinguish Nicene from Arian Christians, whom he associates with Jews, Leander uses marriage and celibacy as points of political division. Drawing on Augustine’s theology of marriage and virginity, according to Leander, the marriage practices of the ancient Hebrews were sanctioned by God as part of the Old Testament Dispensation, but the ascetic practices of Christians according to the Pauline injunctions reflect the fulfillment of ancient prophecy in the New Testament. Leander parallels the marriages of the biblical patriarchs to Hebrew sacrificial practices, which he claims were only a foreshadowing of the “true sacrifice, the Body and Blood of Christ.”⁸⁷

In these passages, Leander’s description of ascetic practices evolves into an elaboration of Nicene exegesis. Exegetical method was itself a point of theological

⁸⁴ *De institutione virginum*, XIII.7, p. 141; Barlow, pp. 207-208. This passage also contains references to Jerome, *Adv. Jov.*, II. 15, i.e., a comparison with Eve.

⁸⁵ *De institutione virginum*, XV.1, p. 143; Barlow, pp. 209-210. Cf. Jerome, *Ep.* 43.1 to the wealthy Roman widow Marcella (Latin text of *Ep.* 43.1 in *Patrologia Latina* 22:478).

⁸⁶ *De institutione virginum*, XVI.1, p. 144; Barlow, pp. 210-211.

⁸⁷ *De institutione virginum*, XVI.5, p. 145; Barlow, pp. 210-211.

dispute with both Arians and Jews, and therefore, constitutes a political statement. By employing these patristic rhetorical strategies, he emphasizes the typological interpretation of Scripture, consistent with Paul's preaching and subsequent Nicene exegetical tradition.⁸⁸ According to Leander, the Song of Songs should be read figuratively as a representation of the Body of Christ and the love of the church, a direct reference to the spiritual power mediated by the church as bride of Christ.⁸⁹

Not coincidentally, Leander's instruction on proper interpretation of the Song of Songs imitates Augustine, who wrote in *Contra Maximinum arianorum episcopum* against the literal interpretation of Scripture favored by his Arian opponent.⁹⁰ Leander instructs his sister, who was presumably literate, in biblical terms with the intention of separating Nicene Christians from Arians and Jews, establishing boundaries between celibate and married Christians, and mandating her omission from the hierarchies of male authority. This last was a consequence of female asceticism which Elizabeth Clark has

⁸⁸ On Christian exegetical tradition see: Henri de Lubac, *Medieval Exegesis*, Vol. 2: *The Four Senses of Scripture*, transl. Mark Sebanc, Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1998, especially pp. 241-251; originally published as *Exegèse médiévale*, 1: *Les quatre sens de l'écriture*, Paris: Editions Montaigne, 1959.

⁸⁹ *De institutione virginum*, XVI.5, p. 145; Barlow, p. 211. Averil Cameron has argued that the Song of Songs was an important text in the development of late classical, Christian discourse, in which it appears to have been reserved by men for their exclusive use. Averil Cameron, *Christianity and the Rhetoric of Empire: The Development of Christian Discourse*, p. 65. Jerome, for example, took it upon himself to interpret the Song of Songs for his circle of female adherents, not allowing them this exegetical privilege for themselves. Peter Brown, *The Body and Society*, p. 367. According to Peter Brown, "That Jerome did not encourage women to become theological authors in their own right meant no more than that he, like all other late antique males, wished to keep for himself the privilege of being aggressive to other men." Ibid, p. 370.

⁹⁰ William Sumruld, *Augustine and the Arians: The Bishop of Hippo's Encounters with Ulfilan Arianism*, Selinsgrove: Susquehanna University Press; London and Toronto: Associated University Presses, 1994, pp. 101-119.

pointed out,⁹¹ and which Susanna Elm has explored in the context of the development of female monasticism amid male constructions of Christian “orthodoxy” and “heresy.”⁹²

VIRGINITY AND SELF-REPRESENTATION

Throughout his treatise on virginity, Leander delimits the autonomy of women in ways that do not apply to him. Having drawn religious and political distinctions with his instruction on intellectual discipline, Leander proceeds to address ascetic practices associated with bodily renunciation, particularly sexual activity.⁹³ Describing additional forms of concupiscence, he warns that food is an incitement to lust that must be checked by constant fasting,⁹⁴ and that the eating of meat “is an enticement to vice.”⁹⁵ Employing the example of Lot, who committed incest with his daughters under the influence of wine, Leander argues that the use of wine is also an occasion for “scandal and blame.”⁹⁶ Baths

⁹¹ Elizabeth A. Clark, “Ascetic Renunciation and Feminine Advancement: A Paradox of Late Ancient Christianity,” *Anglican Theological Review*, 63 (1981) 240-57.

⁹² Susanna Elm, *‘Virgins of God’: The Making of Asceticism in Late Antiquity*, Oxford, Clarendon Press: 1994.

⁹³ *De institutione virginum*, XVII, p. 146; Barlow, p. 211.

⁹⁴ *De institutione virginum*, XVIII, p. 147; Barlow, p. 212.

⁹⁵ *De institutione virginum*, XVIII.1, p. 147; Barlow, pp. 212-213. See also *De institutione virginum*, XXIV, p.159-161, where Leander repeats this prohibition, utilizing references from Jerome’s *Epistle 22* to Eustochium and *Adversus Jovinianum*. Both references situate Leander’s restrictions on food and meat squarely within the late fourth-century debates on asceticism and marriage, and recall Jerome’s attempts to rehabilitate himself after his exile from Rome.

⁹⁶ *De institutione virginum*, XIX.6, p. 150; Barlow, p. 213. Jerome also utilized this reference to Lot in his famous *Epistle 22* addressed to Eustochium; Jerome, *Ep.* 22.8.

are not to be taken except to remedy infirmity, since they too, may arouse lust.⁹⁷ Food, wine, and baths, associated with the physicality of the female body, are indicators of sexual concupiscence. These instructions demonstrate Leander's own ascetic values, and they are as much efforts at self-promotion as they are precepts for Christian behavior.

Wealth, Status, and Virginit

Leander's self-interest is especially apparent in the themes of wealth, public reputation, and authority, which recur frequently in his instructions. Constant references to women's wealth may refer to the church's patrimony. Fourth-century Christian writers, such as Jerome, Rufinus, and Pelagius, produced treatises and other literary works commissioned by wealthy benefactresses, and depended on the financial support of their female patrons.⁹⁸ In addition, the wealth of widows provided an important source of alms and income for the Christian clergy. Consecrated virgins brought their personal resources with them into the care and protection of their bishop, a point that Peter Brown

⁹⁷ *De institutione virginum*, XX, p. 151; Barlow, p. 214. This caution includes a reference to Augustine's *Epistle* 211, which praises consecrated virginity. Augustine's *Ep.* 211 is considered to be the earliest monastic rule for women, because it is addressed to a Mother Superior and gives detailed instructions for a daily regimen. Leander's so-called Rule omits both of these criteria. For an English translation of Augustine's *Ep.* 211 (c.423 A.D.), see: *Saint Augustine, Letters, Vol. V (204-270)*, transl. Sister Wilfrid Parsons, S.N.D., The Fathers of the Church Vol. 32, New York: Fathers of the Church, Inc., 1956, pp. 38-51.

⁹⁸ For a discussion of this aspect of Jerome's relationship with Paula and his polemics against other bishops and monks, such as Rufinus and Pelagius, who he accused of recruiting aristocratic benefactresses, see generally: J. N. D. Kelly, *Jerome: His Life, Writings, and Controversies*. For an English translation of Jerome's treatises against Rufinus and Pelagius, see: *Saint Jerome: Dogmatic and Polemical Works*, transl. John N. Hritzu, The Fathers of the Church Vol. 53, Washington, D.C.: The Catholic University of America Press, Inc., 1965.

has made and that studies of women in the legal sources of late antiquity confirm.⁹⁹ The fact that the treatise is framed as a musing on his sister's inheritance suggests that Leander was also concerned in a very literal sense with the wealth that women had at their disposal.

The importance of women's wealth in late antiquity is further attested by the polemical barbs traded by bishops and monks. These barbs included accusations of toadying to women of means for personal gain.¹⁰⁰ In the male-authored patristic sources, wealth was related to status, and status to the right to exercise public authority. Status, therefore, is another important aspect of Leander's self-promotion efforts. For example, into an instruction to disregard legal status reminiscent of Jerome's description of the arrangement in Paula's monastery, Leander also manages to weave cautions about status and authority.¹⁰¹ "Do not wish to be called or to be chief among others when you read: 'Whoever wishes to be first among you shall be your slave,' since the Savior Himself hid when the crowds wanted to make Him king."¹⁰²

This lengthy chapter of Leander's treatise on virginity suggests the reluctance with which a consecrated virgin should accept worldly acclaim, but such reluctance was also precisely the sort of behavior that was expected of a potential episcopal candidate in

⁹⁹ Peter Brown emphasizes the importance of women's wealth to the early institutional church; *The Body and Society*, pp. 345, 353, 356. On women and their perceived ability to manage great wealth in late antiquity, see also Antti Arjava, *Women and the Law in Late Antiquity*, p. 171.

¹⁰⁰ On Jerome's relations with wealthy women, see also: Andrew Cain, *The Letters of Jerome: Asceticism, Biblical Exegesis, and the Construction of Christian Authority in Late Antiquity*.

¹⁰¹ *De institutione virginum*, XXII, pp. 154-155; Barlow, pp. 215-216. On Jerome's description of Paula's monastery, where women were separated into three ranks on the basis of social class, see J. N. D. Kelly, *Jerome*, p. 132; and Jerome, *Epp.* 108.20 addressed to Eustochium on the death of her mother, Paula, and 66.13 to Pammachius, the widower of Paulina, the daughter of Paula, cited in Kelly. Latin texts of the references to Jerome's letters are in *Patrologia Latina* 22:897-897 and 22:616-617, respectively.

¹⁰² *De institutione virginum*, XXIII.5, pp. 155-159; Barlow, p. 217.

late antiquity.¹⁰³ Similar behavior is attested for such ecclesiastical figures as Ambrose of Milan, Augustine of Hippo, and Gregory the Great. According to Claudia Rapp, episcopal candidates were often monks who, after receiving ordination to the priesthood, were eventually co-opted into the episcopate, and it was their monastic ascetic virtues that made them desirable candidates for episcopal ordination.¹⁰⁴

In addition, a bishop was expected to serve in the Pauline tradition as an example to his church community, as well as to non-Christians, who might be potential critics, future converts, or both.¹⁰⁵ In his final instructions, Leander repeats injunctions against sexual behavior, food, the accumulation of wealth, and secular life that emphasize his ascetic stance and stake his claims to spiritual authority.¹⁰⁶ Bringing the treatise to a close, he warns his sister against returning to the world, once her vows as a consecrated virgin are complete. He begs her not to venture back to their native land of Cartagena, now a devastated and dangerous place in the hands of Visigothic Arians.¹⁰⁷ Through a personal plea, Leander makes final reference to the damage that Visigothic rule has inflicted and expresses his opposition to it.

¹⁰³ Claudia Rapp, *Holy Bishops in Late Antiquity*, pp. 144-145.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid, pp. 49-50.

¹⁰⁶ *De institutione virginum*, XXIV-XXX, pp. 160-170; Barlow, pp. 218-225.

¹⁰⁷ *De institutione virginum*, XXXI, pp. 170-173; Barlow, pp. 225-227.

LEANDER OF SEVILLE AND RELIGIOUS POLITICS IN THE VISIGOTHIC KINGDOM

In the decade following the treatise's composition, Leander became arguably the most influential episcopal figure to emerge from the religio-political conflicts that dominated the Visigothic kingdom for two centuries. According to John of Biclarum, Leander was distinguished during the reign of Reccared (585-601 A.D.), the only surviving son of the Arian Visigothic king, Leovigild (568-586 A.D.).¹⁰⁸ Leander's ability to garner the friendship and support of influential figures is also attested by his close relations, not only with kings, but also with Pope Gregory I.¹⁰⁹ After his return from Constantinople (c.580), Leander was probably consecrated a bishop and baptized Hermenigild (c.582), whose conversion to Nicene Catholicism precipitated the ruling family's confessional conflicts in the 580s.¹¹⁰

It is not known whether the episcopacy and Hermenigild's conversion were compensation for Leander's service to the prince, expressions of the prince's religious fervor, or the price of Nicene support against Leovigild. Episcopal appointment by a Visigothic ruler was a common, if uncanonical, practice, and Hermenigild may well have appointed Leander as bishop of Seville in gratitude for his service.¹¹¹ More to the point,

¹⁰⁸ John of Biclarum, *Chronicon*, a.585.

¹⁰⁹ Gregory the Great, *Ep.* I. 43 (590/91 A.D.), *Moralia in Job*, *Ep.* (c.593 A.D.), *Ep.* V. 59 (594/95 A.D.), and *Ep.* IX. 121 (598/99 A.D.). For English translations of these letters, see: Nicene and Post-Nicene Fathers, Second Series, Vols. XII and XIII, New York: The Christian Literature Company, Oxford and London: Parker & Company, 1895.

¹¹⁰ See: Gregory of Tours, *History of the Franks* V. 38, regarding Hermenigild's baptism, and Gregory the Great, *Dialogues* III. 31, concerning Leander's role in the baptism.

¹¹¹ E. A. Thompson, *The Goths in Spain*, pp. 40 and 43.

events around 582 suggest that Hermenigild, now a convert to Nicene Christianity, required the support of his local bishop and co-religionists against Leovigild.

Leander's treatise established his ecclesiastical authority and placed him in a position to act on his principles by mediating Hispano-Roman support in return for the ruling party's religious conversion. Shortly after Leovigild's death in 586, the king's younger son, Reccared, accepted baptism and conversion at Leander's hands, suggesting that the bishop's role as a mediator and a leader of the Nicene Hispano-Romans was well-established by this time.¹¹² Leander's treatise on virginity also established his religio-political opposition to the Arian Visigothic party.

In Isidore's testimonial to his elder brother, he states that Leander composed two anti-Arian treatises while in Constantinople, but gives no further information concerning these treatises, which are not extant.¹¹³ Isidore's notice suggests that Leander held negative opinions about the Arian faith of the ruling Visigoths, which he only took the opportunity to express openly when he was beyond their immediate reach. It also suggests that in the Seville of 579, the sole statement of religious "orthodoxy" that Leander could safely produce may have been a treatise on virginity ostensibly addressed to his sister. Using his treatise on virginity as a polemical device, Leander brought the issue of Visigothic rule out of the *doxa* of undisputed ideas concerning the proper relationship between ruler and ruled into the universe of contested opinion. He did so in the only manner available to him, shedding light on the tense political and religious

¹¹² Gregory the Great, *Dialogues* 31.3 (593 A.D.).

¹¹³ Carmen Codoñer Merino, *El "De Viris Illustribus" de Isidoro de Sevilla*, pp. 148-150, *Capp.* XXVII and XXVIII.

atmosphere of the period, about which other contemporary Spanish authors are inexplicably cryptic.

The cryptic nature of the contemporary sources is especially discernible with regard to two causal aspects of the civil war between Leovigild and Hermenegild: the extent of the potential military and political threat that a Catholic Hermenegild posed to his father, and the part that Leander played in creating that threat. Hermenegild's religious conversion to Nicene Catholicism and baptism at Leander's hands may have so tipped the political balance of power in his favor that Leovigild had no choice but to attack his son's power base in Baetica. After Hermenegild's conversion, Leovigild began a two-year siege of Seville (582-584) in which, according to Gregory of Tours, the king persuaded the Byzantines to stand down in the conflict for the sum of 30,000 *solidi*.¹¹⁴ Even with substantial foreign military aid, which in any case did not appear, it is unlikely that Hermenegild could have held out for two years against his father without additional support from the Hispano-Roman Nicenes in Seville and the surrounding Baetican territory. In this context, Leander's influence on Hermenegild constituted a serious threat to Leovigild's kingdom. Hermenegild's conversion and alliance with foreign Catholic forces would have made the prince, the Sevillian bishop, and potentially every other Catholic in the peninsula traitors (*infideles*) to the Arian Visigothic monarchy.

The curious content of the contemporary Spanish sources suggests that under Visigothic rule the existence of a Hispano-Roman numerical majority appears to have had little influence on open discussion about sensitive religio-political topics. In fact, the

¹¹⁴ Gregory of Tours, *History of the Franks* V. 38.

question of Visigothic rule does not seem to have been capable of open discussion by the Spanish authors, hence, the silent or cryptic nature of the sources on certain topics. This interpretation renders comprehensible the reluctance of these authors to discuss in detail the confessional conflicts that divided the royal family and involved the kingdom in civil war.¹¹⁵ These conflicts, long obscured by the reticence of the sources, are illuminated by Leander's treatise on virginity.

¹¹⁵ Luís A. García Moreno, *Leovigildo, unidad y diversidad de un reinado*, Madrid: Real Academia de la Historia, 2008, concludes that Hermenegild's religious conversion posed no real threat to Leovigild's royal authority. This useful and well-written study of Leovigild's reign does not consider Leander or his treatise on virginity in the context of the 580s.

CHAPTER FOUR

ISIDORE OF SEVILLE: *HISTORY OF THE GOTHs*

I argue in this chapter that the *History of the Goths* conveys Isidore of Seville's views on Visigothic rule and the Goths' ability to provide peace and stability to the kingdom.¹ In the context of ruling factionalism, forced Jewish conversions, and Byzantine expulsions, Isidore questions the nature and legitimacy of Visigothic power. He does so by writing, not a standard history - a genre that he knew well and described in the first book of the *Etymologies* - but a historical etiology in the Old Testament tradition.² In his *History of the Goths*, Isidore takes up the idea of an Old Testament marriage covenant to inform his presentation of Visigothic and Hispano-Roman

¹ *Las Historias de Los Godos, Vandalos y Suevos de Isidoro de Sevilla: Estudio, edición crítica y traducción*, ed. and transl. Cristóbal Rodríguez Alonso, Leon: Centro de Estudios e Investigación "San Isidoro," 1975 is a critical Latin edition with Spanish translation. Isidore's *History of the Goths* is available in a number of English translations, most notably, Kenneth Baxter Wolf, *The Conquerors and Chroniclers of Early Medieval Spain*, Translated Texts for Historians 9, Liverpool: Liverpool University Press, 1990, pp. 81-110.

² *Etymologies* I.xli-xliv. The standard Latin edition of the *Etymologies* is W. M. Lindsay, *Isidori hispalensis episcopi, Etymologiarum sive originum Libri XX*, 2 Vols., Oxford: Clarendon, 1911. A recent English-language edition is available in a single volume with useful notes and a Latin-English index: *The Etymologies of Isidore of Seville*, transl. with intro. and notes by S. Barney, W. J. Lewis, J. A. Beach, O. Berghof, Cambridge: Cambridge University Press, 2006.

Christians as a new Chosen People, a *verus Israel*.³ Drawing upon biblical texts, he expresses concerns and reservations about the nature and exercise of secular power, but he also justifies the primacy of ecclesiastical over secular authority. The work constitutes a medium through which the Nicene Hispano-Roman bishop exercises his episcopal authority in order to discipline contemporary Visigothic rulers and to express contemporary religio-political conflicts using marital rhetoric and gendered imagery.

ISIDORE OF SEVILLE

Isidore of Seville (c.560 – 636 A.D.) was born in Cartagena, the younger brother of Leander, Fulgentius, and Florentina, all of whom appear to have fled from Cartagena in the 560s and taken refuge in Seville. Isidore was probably raised and educated in Seville by his elder brother Leander, whom he succeeded as bishop around 600 A.D.⁴ The Eighth Council of Toledo (653), which promulgated the *Lex visigothorum* under King Recceswinth (649-672), cited Isidore's authority in company with Ambrose,

³ Although Rodríguez Alonso refers to the “elegido pueblo” (“chosen people”) implied in the *Historia gothorum*, he omits discussion of the term with regard to the peninsula's Jewish population. Cristóbal Rodríguez Alonso, *Las Historias de Los Godos, Vandalos y Suevos de Isidoro de Sevilla*, p. 19. For a study of Jewish-Christian relations in late antiquity bearing directly on this theme, see: Marcel Simon, *Verus Israel: A study of the relations between Christians and Jews in the Roman Empire (135-425)*, transl. H. McKeating, Oxford: Oxford University Press, 1986; orig. publ., Paris, 1948, repr. 1964.

⁴ Modern scholars usually assign the dates of Isidore's life based on the testimony of Bishop Ildefonsus of Toledo (657-667 A.D.), for which see: A. T. Fear, *Lives of the Visigothic Fathers*, p. xxxiv. For a critical edition of Ildefonsus' text, see: Carmen Codoñer Merino, *El “De viris illustribus” de Ildefonsus de Toledo*, Salamanca, 1972. For an English translation of Ildefonsus' chapter on Isidore, see: A. T. Fear, *Lives of the Visigothic Fathers*, pp.116-117.

Jerome, and Gregory the Great. Referred to as *doctor egregius* by the Eighth Council of Toledo, Isidore was officially named a Doctor of the Church in 1722.⁵

With the exception of Augustine, Isidore of Seville had perhaps the greatest intellectual influence on medieval thought of all the patristic authorities. His influence on contemporaries was no less noteworthy, as he seems to have wielded the authority of a metropolitan among the bishops of Spain, advised a number of Visigothic kings, and presided over the Fourth Council of Toledo in 633 A.D.⁶ The Isidorean *corpus* was substantial, as the Sevillian bishop's protégé, Braulio of Saragossa attests in a roughly chronological listing of his mentor's written works.⁷ According to Jacques Fontaine, Isidore's literary output formed almost the sole basis for the Visigothic "renaissance" of the seventh century.⁸

In addition to being the author of a number of exegetical works, histories, a natural history, a monastic rule for men, two books on the offices of the church, a book of verses, a work on famous men, and a description of patristic lives and works, Isidore produced the *Etymologies*, an encyclopedic compilation of late classical knowledge,

⁵ *La colección canónica Hispana*, Vol. V, ed. Félix Rodríguez, Madrid: Consejo Superior de Investigaciones Científicas, 1997, pp. 411-412.

⁶ Jacques Fontaine, *Isidore de Séville: Genèse et originalité de la culture hispanique au temps des Wisigoths*, p. 8. Also: J. Tixeront, *A Handbook of Patrology*, transl. S. A. Raemers, pp. 366-373; and F. Cayré, *Manual of Patrology and History of Theology*, II: 258-266.

⁷ A critical Latin edition of the text can be found in: *Scripta de Vita isidori Hispalensis Episcopi, Bravlionis Caesaravgvstani Episcopi, Renotatio Librorum Domini Isidori*, ed. José Carlos Martín, Corpus Christianorum, Series Latina, CXIII B, Turnhout: Brepols Publishers, 2006, pp. 199-207. For an English translation, see: *Iberian Fathers: Braulio of Saragosa and Fructuosus of Braga*, Vol. 2, transl. Claude W. Barlow, The Fathers of the Church, Vol. 63, Washington, D. C.: The Catholic University of America Press, 1969, pp. 140-142.

⁸ Jacques Fontaine, *Isidore de Séville et la culture classique dans l'Espagne wisigothique*, 2 vols., Paris: Études Augustiniennes, 1959, pp. 863-888.

which was published after his death and was likely intended for pedagogical use.⁹ The *Etymologies* enjoyed such popularity that it appears to have been, along with Jerome's *Vulgate* version of the Bible, one of the most copied and widely distributed texts of the European Middle Ages.¹⁰ In his *History of the Goths*, Isidore employs definitions of marriage and constructions of masculine and feminine sexual difference repeated in the *Etymologies* and *On the Offices of the Church*.¹¹

THE HISTORY OF THE GOTHIS

The *History of the Goths* has survived in two recensions. Isidore produced the shorter one in c.619, near the end of the reign of Sisebut (611/12-620), and the longer one in c.624, during the reign of Swintila (621-631).¹² The longer version is the subject of this discussion, because it presents an expanded body of evidence over the shorter

⁹ The most useful monograph on the pedagogical significance of the *Etymologies* is still: Jacques Fontaine, *Isidore de Séville et la culture classique dans l'Espagne wisigothique. Isidori hispalensis episcopi, Etymologiarum sive originum Libri XX*.

¹⁰ Jacques Fontaine, *Isidore de Séville et la culture classique dans l'Espagne wisigothique*, pp. 4-5 ; Jocelyn Hillgarth, "The Position of Isidorean Studies: A Critical Review of the Literature Since 1935," in *Isidoriana*, ed. M. C. Díaz y Díaz, Leon: Centro de Estudios "San Isidoro" 1961, pp. 11-74, esp. pp. 60-69 ; Michael Herren, "'On the Earliest Irish Acquaintance with Isidore of Seville,'" in *Visigothic Spain: New Approaches*, ed. Edward James, Oxford: Clarendon Press, 1980, pp. 243-250 ; A. H. Merrills, *Geography and History in Late Antiquity*, pp. 170-171.

¹¹ *De ecclesiasticis officiis*, ed. Christopher M. Lawson, *Isidori Episcopi Hispalensis Opera*, Corpus Christianorum, Series Latina CXIII, Turnholt: Typographi Brepols Editores Pontificii, 1999. An English translation of Isidore's *De ecclesiasticis officiis* is available in *Isidore of Seville: De Ecclesiasticis Officiis*, transl. and intro. Thomas L. Knoebel, Ancient Christian Writers: The Works of the Fathers in Translation No. 61, New York and Mahway, N.J., The Newman Press, 2008. The discussion here is based on the English translation.

¹² *Ibid*, pp. 25-27.

version; it also contains a prologue and a conclusion or *recapitulatio* that the shorter version lacks. In its entirety the longer version of the *Historia gothorum, wandalorum, et suevorum* consists of five parts: a prologue lauding Spain (*Mater Spania*), a conclusion devoted to the Goths, and one history each of the Goths, the Vandals, and the Suevi, the three barbarian *gentes* (peoples) who inhabited and ruled over Spain or some portion of it between the fifth and the seventh centuries. This section will consider only the prologue, the historical treatment of the Goths, and the conclusion, since by the seventh century the Suevi and the Vandals no longer ruled territory within the Spanish peninsula.

Isidore's preface to the *History of the Goths*, entitled *In Praise of Spain (De laude Spaniae or Laus Spaniae)*, is a paean to Spain and its inhabitants, which he refers to in the singular as *Mater Spania*. Representing Spain as a queen and mother of peoples, he lauds her beauty and wealth, which have made her an appropriate consort, first of imperial Rome, and then of her Visigothic kings. In this introduction, it is clear where Isidore's sympathies lie, as he combines classical references with less obvious patristic and biblical allusions to establish the framework for his subsequent presentation of the Gothic kings of Spain. Isidore defines and self-identifies with the Hispano-Roman majority, using the term *Mater Spania* to oppose Spain, its indigenous people, and its wealth to the Visigothic minority. He follows the prologue with a semi-historical treatment of the Gothic kings of Spain. In his conclusion or *Recapitulatio*, Isidore reemphasizes the virtues and shortcomings of the Spain's Gothic conquerors, forming a literary triptych with which to depict his view of contemporary realities.

The *History* as Paradox

Isidore's history of the Gothic kings of Spain encompasses the period between the mid-first century B.C. and c.624 A.D., and relies most heavily on the accounts of Orosius, Hydatius, and John of Biclarum for historical details. Like these chroniclers, Isidore provides ample evidence of military exploits, but fails to describe the nature, duration, or intensity of religious conflicts. The *History of the Goths*, thus, presents a puzzling source to modern scholars.¹³

E. A. Thompson attests to the silence of the Spanish sources on religious conflicts. He explains it by claiming that contemporary authors suppressed what they knew of Hermenigild's conversion and the civil war that ensued, because they disapproved of the instability that rebellion wrought.¹⁴ This explanation fails, because these same contemporary authors had no hesitation in describing the military aspects of this and subsequent civil conflicts, while leaving the question of confessional disputes unexplored.

Roger Collins also touches upon the reticence of the Spanish sources, saying that the only narrative description of religious conflicts at the local level is the *Lives of the Fathers of Merida*, written anonymously in the mid-630s, long after the events it

¹³ The secondary literature on the *Historia gothorum* is extensive. See: Alberto Ferreiro, *The Visigoths in Gaul and Spain A.D. 418-711, a bibliography*, Leiden: E. J. Brill, 1988; Alberto Ferreiro, *The Visigoths in Gaul and Iberia: a supplemental bibliography, 1984-2003*, Leiden and Boston: E. J. Brill, 2006; and Alberto Ferreiro, *The Visigoths in Gaul and Iberia (Update): A Supplemental Bibliography, 2004-2006*, The Medieval and Early Modern Iberian World, Vol. 35, Leiden and Boston: E. J. Brill, 2008.

¹⁴ E. A. Thompson, *The Goths in Spain*, pp. 76-77.

describes.¹⁵ According to Andrew Fear, translator of that work, it is puzzling that there is no mention in it of the civil war fought between Leovigild and his son Hermenegild, since Merida was occupied by Hermenegild during the same period as the longest narrative in the text on the episcopacy of Masona of Merida (560s-580s).¹⁶ Even the modern critical editor of Isidore's *History of the Goths* acknowledges the author's silence on religious conflicts in a footnote, but fails to resolve the problem.¹⁷

Although Isidore is widely attested for his erudition, his *History* fails to follow the guidelines of classical historiography, omits pertinent chronology, and wanders from the expository order of his sources.¹⁸ Isidore's *History of the Goths*, also entitled *On the Origin of the Goths* (*De origine gothorum*) by Braulio of Saragossa, has been denounced by modern scholars as vague, ambiguous, and unhelpful. According to E. A. Thompson's oft-quoted reading, for example, the *History* "is not worthy of the famous

¹⁵ Roger Collins, *Early Medieval Spain: University in Diversity, 400-1000*, p. 51.

¹⁶ A. T. Fear, *Lives of the Visigothic Fathers*, pp. xx-xxi.

¹⁷ Cristóbal Rodríguez Alonso, *Las Historias de Los Godos, Vandalos y Suevos de Isidoro de Sevilla*, pp. 22-23, n. 35: "No entramos en el motivo de que las fuentes hispanas ignoren la cuestión religiosa."

¹⁸ Cristóbal Rodríguez Alonso, *Las Historias de Los Godos, Vandalos y Suevos de Isidoro de Sevilla*, p. 21. This critical Latin edition also contains a Spanish translation of the work. The previous scholarly edition was that of Theodor Mommsen, *Isidori Iunioris Episcopi Hispalensis, Historia Gothorum Wandalorum Suevorum*, in *Monumenta Germaniae Historica IX, Auctores Antiquissimi*, Vol. II, *Chronica Minora*, Berlin: Weidmann, 1894, pp. 241-303, with Latin commentary. The long recension of the *Historia gothorum* exists in a number of medieval manuscripts (for the manuscript tradition, see Alonso, pp. 123-138). The earliest printed edition of the *Historia Gothorum Wandalorum et Suevorum* was published in Paris in 1579; the long recension of the *Historia gothorum* was first published in Madrid in 1599 (for which see also Alonso, pp. 138-145). I have consulted the short recension in one of the oldest extant manuscripts: *Historia gothorum*, s.X-XI, Madrid, Real Academia de la Historia, RAH Cod. 78, fols.167r-176v.

In addition to the two Latin editions noted above, Isidore's history is also available in English translations: *Isidore of Seville's History of the Kings of the Goths, Vandals, and Suevi*, transl. Guido Donini and Gordon B. Ford, Jr., Leiden: E. J. Brill, 1966, 2nd rev. ed., 1970; and Kenneth Baxter Wolf, *Conquerors and Chroniclers of Early Medieval Spain*. I have relied on the critical edition of Cristóbal Rodríguez Alonso, and although I have made my own translation of the Latin text, I have also consulted Kenneth Baxter Wolf's English version when necessary for clarity, confirmation, or comparison. English translations of the Latin text herein are mine, unless otherwise noted.

savant who wrote it,” and with it, “Isidore could hardly have told us less except by not writing at all.”¹⁹ More recently, Roger Collins has referred to Isidore’s historical commentary on the Goths as “weasel words.”²⁰ Not all scholars are so dismissive. The *History*’s modern critical editor, Cristóbal Rodríguez Alonso, describes the text as the first example of “conscious national historiography.”²¹ Acknowledging Isidore’s defects as a historian, he argues that the Sevillian bishop’s motive was to panegyricize the Gothic kings of Spain and to valorize their triumph over the Byzantines in the peninsula.²²

I will argue in this chapter that Isidore’s *History of the Goths* is neither the frustratingly poor example of history-writing, nor the clear statement of unitary national consciousness that it has been assumed to be. Rather than being a chronologically-ordered, historical assessment of the Visigothic monarchy, the work is a polemical treatise against the ruling Visigoths in the form of a historical etiology. Its purpose is to moralize about the proper exercise of royal authority. Consistent with similar patterns observable in other contemporary Spanish sources, such as Leander’s treatise on virginity, Isidore argues a polemic – this time in the guise of an historical *oeuvre*.

Unlike Leander, who advocated strict separation between Nicene and Arian Christians in his treatise on virginity, Isidore posits a religious and political “marriage” between Visigoths and Hispano-Romans as the solution to contemporary problems of disunity and instability. Isidore’s description of Visigothic participation in the proposed

¹⁹ E. A. Thompson, *The Goths in Spain*, p. 7.

²⁰ Roger Collins, *Visigothic Spain, 409-711*, Oxford: Blackwell Publishing, 2004, p. 77, n.36.

²¹ Cristóbal Rodríguez Alonso, *Las Historias de Los Godos, Vandalos y Suevos de Isidoro de Sevilla*, p. 14.

²² *Ibid*, p. 22.

match is not one of unqualified praise, as scholars have assumed it to be. Reminiscent of Leander's treatise on virginity, epithalamial (bridal) and marital themes are prominent in Isidore's history. He utilizes them to discuss political problems caused by Visigothic factions vying for royal authority, as well as religious and social tensions between the Visigothic ruling party and their Hispano-Roman subjects. The *History's* marital rhetoric and gendered imagery replicate the conceptual framework established in the rhetorical economy of antiquity that argued for social concord on the basis of domestic harmony. Within this tradition, Isidore frames a debate over legitimate rights to public authority, using the historical genre and references to antecedent classical and Christian sources in order to express contemporary religio-political concerns.

IN PRAISE OF SPAIN (*DE LAUDE SPANIAE*)

Classical Allusions

In the prologue, entitled *In Praise of Spain*,²³ the most obvious of Isidore's literary references are the classical ones, to which attention was drawn in the mid-

²³ I have consulted the prologue to the *Historia gothorum* in two of the earliest extant manuscripts: *Item prefatus Hisidorus de laude Spaniae prouincie*, Madrid, Real Academia de la Historia, RAH Cod. 78, s.X-XI, fols.195v-196r; and *Item de Laude*, Madrid, Real Academia de la Historia, RAH Cod. 78, s.X-XI, fol.198r.

twentieth century.²⁴ Isidore draws upon the geographical accounts of Polybius, Posidonius, and Strabo, as well as panegyrics in honor of Spain, such as those composed by Pliny, Pomponius Mela, and Martial, which stress the Roman province's wealth as a maternal abundance (*uberrima*).²⁵ Additional references include Virgil, Silius Italicus, Pompeius Trogus, and Drepanius Pacatus, the last of whom referred to the peninsula as *Mater Spania* in his panegyric on the birthplace of the fourth-century Spanish emperor Theodosius.²⁶ On the basis of these classical references it has been suggested that the prologue functions solely as a geographical description, although no geographic parameters or points of identifiably Spanish topography appear in the prologue.²⁷

The real purpose of these allusions is to emphasize Spain's ancient civilization and hereditary links to Roman tradition, but also to recall the classical accounts of Rome's conquest of the peninsula. The ancient authors, who extolled Spain's beauty, wealth, and fertility, recounted the fierce resistance of its indigenous inhabitants to Roman subjugation. Isidore writes, "Of all the lands, which are from the west to India, you are the most beautiful, o sacred and ever fruitful Spain mother of princes and of

²⁴ José Madoz, "De Laude Spaniae : Estudio sobre las fuentes del prologo Isidoriano," *Razon y Fe* (1939) 237-247. More recent discussions of these sources for the *De laude Spaniae* may be found in Cristobal Rodriguez Alonso, *Las Historias de Los Godos, Vandalos y Suevos de Isidoro de Sevilla*, pp. 113-119; and A. H. Merrills, *Geography and History in Late Antiquity*, pp. 185-205.

²⁵ The critical text cites: Drepanius Pacatus, *paneg.*; Pomponius Trogus, *Hist. Just.*, XLIV, 1-3; Isidore, *Etym.* xiv. iv. xxviii; Silius Italicus, *Punic.*, I, 220; Pliny, *Nat. hist.*, XXXVII, 77, IV, 17, XXXIII, 21; Vergil, *Georg.*, II. 145-148 and III. 17-20.

²⁶ Cristobal Rodriguez Alonso, *Las Historias de Los Godos, Vandalos y Suevos de Isidoro de Sevilla*, pp. 113, 115-118.

²⁷ A. H. Merrills, *Geography and History in Late Antiquity*, pp. 199-205.

peoples” (*Omnium terrarium, quaequae sunt ab occiduo usque ad Indos, pulcherrima es, o sacra semperque felix principum gentiumque mater Spania*).²⁸

Rightly you are now queen of all the provinces, from which not only the west but also the east borrows its shining lights. You are the pride and the ornament of the world, the most illustrious part of the earth, in which the Getic people are gloriously prolific, rejoicing much and flourishing greatly. Indulgent nature has deservedly enriched you with an abundance of everything fruitful. You, abundant in olive trees, flowing forth with grapevines, joyful in harvests are yourself clothed with crops, overshadowed with olive branches, woven with vines. You are flowery in fields, embowered with mountains, abounding with fish upon the shores. A region lying most agreeably beneath the heavens, you are neither consumed with the heat of the sun in summer, nor do you languish with icy cold, but engirdled in a favorable region you are nursed by the western breezes of the sky. For any fertile fields, any precious metals, any beautiful living things you produce to good purpose and desire to bring forth, nor are you to be subordinated in those rivers, which the illustrious fame of splendid flocks renders famous. Alpheus yields to you in horses, Clitumnus in herds, although the swift four-horsed chariots through the lengths of Pisa divine Alpheus drove for the Olympic palm wreaths and Clitumnus offered the powerful young bulls of old for Capitoline sacrifices. You the more abundant of sustenance neither need the games of Etruria nor, full of palms, do you wonder at the sacred groves of Molorchus, nor with the running of your horses will you envy the Elean chariots. For you, ever made fertile by rivers poured upon you, are tawny with rushing streams, with fleeces colored by native shellfish which glow with Tyrian purple: with splendor the precious stone of the mountains is illuminated within reach of the vicinity of the sun. You are wealthy with gems and fertile with empurpled rulers and you are as rich in the insignia of emperors as you are blessed in producing princes. Thus, rightly some time ago golden Rome, the head of nations, already coveted you, and although the same Romulean virtue first betrothed you to itself, nevertheless the most flourishing nation of the Goths, after many victories in the world, seized and loved you anew, and profits by you thus far amid royal appurtenances and lavish wealth, tranquil in the felicity of supremacy.²⁹

²⁸ Citations of the Latin text of *De laude Spaniae* herein refer to the critical edition of Alonso Rodríguez, pp. 168-171. Translations are mine, unless otherwise noted.

²⁹ *De laude Spaniae*, pp. 168-170: *Iure tu nunc omnium regina prouinciarum, a qua non occasus tantum, sed etiam oriens lumina mutuatur; tu decus atque ornamentum orbis, inlustrior portio terrae, in qua gaudet multum ac largiter floret Geticae gentis gloriosa fecunditas. Merito te omnium ubertate gignentium indulgentior natura ditauit. Tu bacis opima, uuis proflua, messibus laeta; segeta uestiris, oleis inumbraris, uite praetexeris. Tu florulenta campis, montibus frondua, piscosa litoribus. Tu sub mundi plaga gratissima sita nec aestiuo solis ardore torreris, nec glaciali rigore tabescis, sed temperata caeli zona*

Isidore incorporates these references to Spain in the tradition of the Latin panegyrists primarily in order to establish Spain's identity and its Roman past, but he layers the classical allusions with patristic and scriptural ones that more accurately demonstrate his purpose.

Patristic Allusions

The prologue contains one opening and one closing allusion to Cyprian of Carthage, a late third-century bishop and martyr who wrote a treatise on virginity, *On the dress of virgins* (*De habitu virginum*), also referred to in Leander's ascetic text. In the opening passage of his paean, Isidore addresses Spain as a feminine entity: "[You are] ... the grace and also the ornament of the world, the most illustrious share of the earth, in which the fecundity of the Getic people rejoices greatly and flourishes abundantly."³⁰ In his treatise on the appearance and conduct of female Christian virgins, Cyprian refers to them as: "the flower of the tree that is the Church, the pride and ornament of spiritual

praecincta zephyris felicibus enutriris. Quicquid enim arua fecundum, quicquid metalla pretiosum, quicquid animantia pulchrum et utile ferunt, parturis, nec illis amnibus posthabenda, quos clara speciosorum gregum fama nobilitat. Tibi cedit Alpheus equis, Clitumnus armentis, quamquam uolucres per spatia Pisaea quadrigas Olympicis sacer palmis Alfeus exerceat et ingentes Clitumnus iuuenos Capitolinis olim immolauerit uictimis. Tu nec Etruriae saltus uberius pabulorum requiris nec lucos molorchii palmarum plena miraris, nec equorum cursu tuorum Eleis curribus inuidebis. Tu superfusis fecunda fluminibus, tu aurifluis fulua torrentibus; tibi fons equi genitor, tibi uellera indigenis fucata conchyliis ad robore Tyrios inardescunt, tibi fulgurans inter obscura penitorum montium lapis iubare contiguo uicini solis accenditur. Alumnis igitur et gemmis diues et purpuris rectoribusque pariter et dotibus imperiorum fertilis sic opulenta es principibus ornandis ut beata pariendis. Iure itaque te iam pridem aurea Roma caput gentium concupiuit et licet te sibimet eadem romulea uirtus primum uictrix desponderit, denuo tamen Gothorum florentissima gens post multiplices in orbe uictorias certatim rapit et amauit, fruiturque hactenus inter regias infulas et opes largas imperii felicitate securas.

³⁰ *De laude Spaniae*, p. 168, lines 5-7.

grace ... the more illustrious part of Christ's flock. The glorious fruitfulness of mother Church rejoices through them, and in them she flourishes greatly ..."³¹

Another reference to Cyprian occurs at the end of Isidore's prologue, where he refers again to the Gothic conquerors of Spain: "... it [*Gothorum florentissima gens*] profits by you [*Mater Spania*] thus far amid royal appurtenances and lavish wealth, tranquil in the felicity of supremacy."³² Cyprian, expounding on the corruption of the secular world, the insecurity of royal power, and the fleeting nature of material wealth, argues in Epistle 1.13: "... do you think that even those men are safe, or at least those who are amidst honorific emblems and great wealth, secure with stable strength, whom the protection of watchful arms surrounds in the splendor of the glittering palaces of royalty?"³³ Cyprian's letter compares the sexual corruption of the world and the insecurity of secular power and wealth to the peace of Christian faith and contemplation. Isidore's references to Cyprian illustrate Spain's ancient Christian tradition and the superiority of ecclesiastical authority in contrast to the historical instability of secular power.

As described here, the classical and patristic references in the prologue to Isidore's *History of the Goths* suggest a different pattern than scholars have typically inferred from them. The classical allusions recall ancient panegyrics of Spain as a

³¹ A. H. Merrills, *History and Geography in Late Antiquity*, p. 215, citing Cyprian, *De habitu virginum* 3. For an English translation of Cyprian's treatise on virginity, see: *Saint Cyprian: Treatises*, The Fathers of the Church Vol. 36, New York: Fathers of the Church, Inc., 1958, pp. 25-56.

³² *De laude Spaniae*, p. 169, lines 28-30.

³³ A. H. Merrills, *History and Geography in Late Antiquity*, pp. 216-217, citing Cyprian, *Ep. 1*; Cristobal Rodriguez Alonso, *Las Historias de Los Godos, Vandalos y Suevos de Isidore de Seville*, p. 115, citing Cyprian, *Ep. 1, ad Donatum*. For an English translation of Cyprian's *Ep. 1, To Donatus*, see: *Saint Cyprian: Treatises*, pp. 5-21.

wealthy possession of Rome, as A. H. Merrills has recently suggested, but also the brutality of Roman military conquest and administration.³⁴ Patristic references in the prologue evoke the struggle of Cyprian of Carthage to establish boundaries between Christians trying to maintain their faith and cohesiveness during a period of imperial persecution. These are two important elements of the prologue that scholars intent on viewing it as a simultaneous paean to Spain and the Visigoths have overlooked in their attempts to untangle the Isidorean rhetoric of the source.

Isidore employs these references to invoke not only their literary content, but also the circumstances in which they were written. With these seemingly neutral allusions, Isidore expresses concerns similar to Leander's in the treatise on virginity: identifying female Christian virgins with the purity of the mother church, resisting secular persecutions and lapses of faith, and correlating wealth with power and corruption. The context of Cyprian's writings provides additional evidence in support of this interpretation.

Cyprian, one of the first bishops of a prominent see to come from an upper class background, was also one of the most influential episcopal figures of the third century.³⁵ He became bishop of Carthage around 248, was in contact with Spanish bishops during his episcopacy, and was martyred during the Valerian persecution in 258. Two of the most important issues of his episcopacy were the restoration to the church of Christians

³⁴ A. H. Merrills, *History and Geography in Late Antiquity*, pp. 185-205.

³⁵ For a recent discussion of Cyprian's life, writings, and influence see: Henry Chadwick, *The Church in Ancient Society: From Galilee to Gregory the Great*, *Oxford History of the Christian Church*, Oxford: Oxford University Press, 2001, pb. 2003, pp. 145-160. Also, useful information on Cyprian's "rigorist" stance in general can be found in the "Introduction" to *Saint Cyprian: Treatises*, pp. v-xii.

who had lapsed during the persecutions of the mid-third century and the rebaptism of schismatics. Cyprian's concerns were pastoral and administrative, rather than theological, and it is instructive that Isidore invokes the third-century bishop of Carthage in a prologue dedicated to the praise of Spain. The context in which these patristic references were produced, that is, during persecutions, rifts with schismatics, and disputes over the nature and legitimacy of Christian authority in late third-century North Africa is significant in interpreting Isidore's prologue as anti-heretical polemic.

Scriptural Allusions

In addition to classical and patristic references, Isidore uses allusions to the Song of Songs throughout the preface dedicated to *Mater Spania*. With these allusions, he introduces the nuptial theme that informs his historical etiology of the kings of Spain as a potential union between parties of equal rank or legal status. Little scholarly discussion has been devoted to biblical language reminiscent of the Song of Songs that Isidore employs in order to raise points of political division between indigenous Hispano-Romans and the ruling Visigoths.³⁶ In the prologue's opening sentence Isidore praises the land: "you are the most beautiful, o sacred and ever fruitful Spain," recalling the bride's self-description in the Song of Songs, "I am black but beautiful, O ye daughters of

³⁶ Elizabeth G. Dickenson, *The Royal Genealogy of Mater Spania: An Isidorean Legacy*, M. A. Thesis, Dallas, Texas: Southern Methodist University, Texas, 2001.

Jerusalem” (1:4).³⁷ Isidore’s reference in this same opening passage to Spain as queen of all the provinces and sacred mother of princes refers to Rome’s Spanish emperors: “mother of princes and peoples: rightly you are now queen of all the provinces,” and suggests King Solomon’s crown, bestowed upon him by his mother (3:11).³⁸

Emphasizing maternal abundance (*uberrime*), Isidore’s recitation of Spain’s fertility and richness mirrors the Song of Songs even more closely. Spain is “flowing forth with grapevines,” a notion that reflects the description of the bride in the Song of Songs, whose breasts are “like clusters of grapes” (7:8).³⁹ Isidore’s reference to Spain as “clothed with crops” suggests the bridegroom’s praise of the bride’s “belly like a heap of wheat” (7:2).⁴⁰ Spain is “overshadowed with olive branches ... woven with vines,” paralleling the shade and the vineyard in which the beloveds rest in the biblical text (2:3, 2:15).⁴¹ *Mater Spania* is also “flowery in fields,” as the female beloved in the Song of Songs is the flower of the field: “I am the rose of Sharon, the lily of the valley” (2:1).⁴² Spain’s “fleeces ... colored with Tyrian purple,” recalls the bridegroom’s description of his beloved’s hair as “bright as royal purple” (7:5-6).⁴³

³⁷ *De laude Spaniae*, p. 168, lines 1-2: ... *pulcherimma es, o sacra semperque felix ... mater Spania ...*

³⁸ *De laude Spaniae*, p. 168, lines 3-4: ... *principum gentiumque mater Spania : iure tu nunc omnium regina prouinciarum ...*

³⁹ *De laude Spaniae*, p. 168, line 9: *Tu bacis opima, uuis proflua, messibus laeta ...*

⁴⁰ *De laude Spaniae*, p. 168, lines 9-10: ... *segeta uestiris ...*

⁴¹ *De laude Spaniae*, p. 168, line 9: ... *oleis inumbraris, uite praetexeris.*

⁴² *De laude Spaniae*, p. 168, lines 9-10: *Tu florulenta campis ...*

⁴³ *De laude Spaniae*, p. 170, lines 20-21: ... *tibi uellera indigenis fucata conchyliis ad robore Tyrios inardescunt ...*

Lastly, *Mater Spania*'s beauty, fertility, and wealth have made her the desire of the Goths, by whom she was "eagerly seized (*rapit*) and loved (*amavit*),"⁴⁴ a phrase that resonates with another from the Song of Songs, "I will seize thee and lead thee," (8:2). Isidore closes his prologue filled with classical, patristic, and scriptural references by describing how *Mater Spania*'s new kings enjoy her "amid royal insignia and abundant wealth, secure in the felicity of empire," reminiscent of the scriptural bride, who also says in closing, "and the man who claimed me found in me a bringer of content" (8:10).⁴⁵ In Isidore's bridal *epithalamium*, Spain represents the land, its Hispano-Roman inhabitants, and its wealth. He describes them as assets coveted by the Romans who were their first possessors, and then by the Visigothic kings who seized them from Rome.

Isidore negatively compares the Goths to the Romans. He presents the Visigothic conquerors in unflattering terms as illegitimate usurpers, who seized Spain, "the queen of all the provinces" (*omnium regina provinciarum*), from her Roman betrothed.⁴⁶ Spain also represents the Hispano-Roman church, which Isidore links to ancient Christian tradition, authority, and martyrdom with references to Cyprian. Language reminiscent of the Song of Songs illustrates the potential for unity which the church enjoys with her Bridegroom, and which the soul experiences with God.

Isidore's use of antecedent texts illustrates points of political difference by emphasizing Spain's ancient classical, patristic, and Christian traditions, and omitting the

⁴⁴ *De laude Spaniae*, p. 170, line 29: ... [te] Gothorum florentissima gens post multiplices in orbe uictorias certatim rapit et amauit ...

⁴⁵ *De laude Spaniae*, p. 169, lines 28-30: ... fruiturque hactenus inter regias infulas et opes largas imperii felicitate securas.

⁴⁶ *De laude Spaniae*, p. 170.

Visigothic conquerors from those traditions. With these references, Isidore expresses his ambivalence about kingship and questions the legitimate exercise of secular power. At the same time, he implies the potentiality, thus far unrealized, of harmonious union between the ruling Visigoths and their Hispano-Roman subjects. In the prologue, Isidore freely employs feminine imagery in the prologue and draws on classical, patristic, and scriptural images of male and female to depict his concerns with legitimate secular authority. In the body of the *History*, he refers to women as historical figures only tangentially, but draws heavily on gendered constructions of masculinity and femininity, as well as on the descriptions of the nature and purpose of marriage, found in the *Etymologies* and *On the Offices of the Church*.

HISTORY OF THE GOTHS (*HISTORIA GOTHORUM*)

In the body of the *History*, Isidore expresses the Visigothic monarchy as a masculine entity, opposing it implicitly to the feminine imagery he used to represent Spain and its inhabitants as *Mater Spania*. The form of Isidore's historical etiology differs from Leander's treatise on virginity, but the question of legitimate secular authority remains consistent in the two works. The context in which Isidore produced the *History of the Goths* (c.624) was not altogether different from that in which Leander wrote his treatise on virginity (c.579), despite the conversion of the Visigoths to Nicene Christianity at the Third Council of Toledo in 589. Royal succession continued to be

disputed on a regular basis between rival claimants and factions within the Visigothic ruling party, concerning which Isidore is the only contemporary Spanish source.

Almost a decade prior to the Fourth Council of Toledo, over which he presided, Isidore composed the long version of his *History of the Goths* during the reign of Swintila (621-631), who had finally unified the peninsula territorially by expelling the Byzantines from Cartagena and the surrounding territory. Swintila's immediate predecessor, Sisebut (610/11-620) had sought to convert the Jewish population forcibly to Christianity. Isidore probably disapproved of this action for a number of reasons, including the impropriety of forced baptisms and the infringement by royal authority upon the ecclesiastical sphere of influence.⁴⁷

The contemporary context of the 620s was similar in other ways to that of the 570s, when Leander wrote his polemical treatise, and with it sought to establish firm boundaries between the Nicene Hispano-Roman community and their Arian and Jewish neighbors. The Visigothic conversion to Nicene Christianity in the late 580s altered both the composition of the Spanish Christian community and the stakes for the Hispano-Roman majority. The majority may have assumed that they no longer needed to preserve strict social, legal, religious, and political boundaries against Visigothic Catholics, and that they were entitled to secular, as well as ecclesiastical authority, as a result of the ruling minority's religious conversion. In the ecclesiastical sphere, where Nicene bishops

⁴⁷ A. H. Merrills argues that Isidore favored the practice of forced baptism in the short version of the *Historia*, but subsequently condemned it in the long version. A. H. Merrills, *Geography and History in Late Antiquity*, p. 182. For a more complex discussion of the commonly held view that Isidore disputed the practice of forced conversions, but not the efficacy of them, see: Wolfram Drews, *The Unknown Neighbor: The Jew in the Thought of Isidore of Seville*, The Medieval Mediterranean, Peoples, Economies and Cultures, 400-1500, Vol. 59, Leiden and Boston: Brill, 2006, especially, pp. 254-300.

had held sway over the Hispano-Roman majority, however, Visigoths gained even greater episcopal authority in disproportion to their population.⁴⁸ In addition, after the conversion of the Visigothic minority to Nicene Catholicism, the Visigothic ruling party continued to bar Hispano-Romans from positions of secular power.⁴⁹ Only Visigoths could aspire to rule the kingdom, and the king's advisers, nobles, judges, and higher officials (*officii palatii*) were all Visigoths.⁵⁰

The Visigoths in the Fourth Century

The Scourge of Empire

Isidore opens his etiology of the Visigothic kings of Spain with a reference to their origins from Gog and Magog, referred to in the Old Testament Book of Ezekiel and the New Testament Book of Revelation as scourges of the faithful.⁵¹ Isidore's reference here is not the innocent statement it may appear to be about the origin of the Visigothic rulers of Spain, for he invokes Ambrose's polemic against the Arian inhabitants of the empire as descendants of Gog, and immediately situates the Visigoths as former heretics and scourges of the Roman provinces.⁵² Isidore softens his reference with another to

⁴⁸ E. A. Thompson, *The Goths in Spain*, pp. 289-296.

⁴⁹ *Ibid.*, pp. 210-217.

⁵⁰ *Ibid.*

⁵¹ *History of the Goths*, 1, p. 172; Ezekiel 38-39; Revelation 20. See also Kenneth Baxter Wolf, *Conquerors and Chroniclers of Early Medieval Spain*, pp. 16-17.

⁵² Ambrose of Milan, in his polemical treatise against Arianism, *On the Christian Faith*, addressed to the Emperor Gratian in 378, referred to the Arian Goths as Gog. According to Ambrose, the Goths, like Gog,

Jerome, who described the origin of the Goths from “Getic people” (*Geticae gentis*). Isidore, nonetheless, layers Jerome’s genealogical definition with Ambrose’s to illustrate the historical animosity between the Gothic Arians and the late Roman empire.⁵³

According to Daniel Williams, Ambrose’s polemical treatise *De fide* signaled the turning point in Arian-Nicene politics in Milan, from which time the conflicts over public authority between the two factions became increasingly bitter and violent.⁵⁴ Isidore’s invocation of Ambrose’s polemic in the opening entry of the *History of the Goths* suggests similar relations between *Mater Spania* and her Visigothic conquerors, and contextualizes Isidore’s subsequent characterizations of Spain’s Gothic kings as a military scourge. According to Isidore, the Goths were a force to be avoided, for no other people in the world had ever so wearied (*fatigaverit*) the Roman empire.⁵⁵ He recounts the Goths’ early military encounter with Julius Caesar (49-48 B.C.), their defeats by Claudius (269 A.D.) and Constantine (332 A.D.), and the persecution, martyrdom, and exile of Gothic Christians by the Goths’ own leader, Athanaric.

were a people prophesied by Ezekiel as a pestilence to be overcome by the wrath of God. In the context of Arian-Nicene disputes in Milan, Ambrose exhorted Gratian to expel the Goths from the empire, for “how could the Roman State be safe with such defenders?” Ambrose, *On the Christian Faith*, II.XVI.136-140, can be found in English translation in: *St. Ambrose, Select Works and Letters*, Nicene and Post-Nicene Fathers of the Christian Church, 2nd Series, Vol. X, New York: The Christian Literature Company; Oxford and London: Parker & Company, 1896, p. 241. Daniel H. Williams, *Ambrose of Milan and the End of the Nicene-Arian Conflicts*, Oxford: Clarendon Press, 1995, pp. 128-153.

⁵³ Jerome, *Hebreos quaestiones in Genesim*, LXXII, 11.

⁵⁴ Daniel H. Williams, *Ambrose of Milan and the End of the Nicene-Arian Conflicts*, pp. 152-153.

⁵⁵ *History of the Goths*, 2, p. 172.

Fourth-Century Religious Conversion: Gothic Arianism as “Pernicious Seed”

Isidore links the military ferocity of the Goths to the political disloyalty and religious impiety of their leaders, and ascribes the Goths’ political factionalism to their own natural bellicosity.⁵⁶ He also blames the Arianism of the Goths on the Roman emperor Valens, himself an Arian, who sent heretical priests to convert the Goths to Christianity. “Into such a splendid nation, he [Valens] poured the pernicious seed, the pestiferous virus and thus also the error, which recent credulity drank up and has long since kept and preserved.”⁵⁷ Through their association with Ulfilas, a bishop sent to missionize them, the Goths received the Scriptures, translated into their own tongue, as well as an alphabet, and laws; in addition, they constructed churches for themselves, maintaining the doctrine of Arius.⁵⁸ Isidore takes pains to relate the beliefs that the Gothic followers of Arius held, “so that now not following the tradition of holy scripture one God and Lord was adored, but according to the superstition of idolatry three gods were venerated.”⁵⁹ With these descriptions, Isidore characterizes the Arian Goths as polytheists. He records that the Goths held their Arian beliefs for 213 years, at which time they came to the unity of the Catholic faith. In these passages, he sets up the history

⁵⁶ *History of the Goths*, 3-6, pp. 174-178.

⁵⁷ *History of the Goths*, 7, pp. 180-182: *Valens autem a ueritate catholicae fidei deuus et Arrianae haeresis peruersitate detentus missis haereticis sacerdotibus Gothos persuasione nefanda sui erroris dogmati adgregauit et in tam praeclaram gentem uirus pestiferum semine pernicioso transfudit sicque errorem, quem recens credulitas ebibit, tenuit diuque seruauit.*

⁵⁸ *History of the Goths*, 8, pp. 182-184.

⁵⁹ *Ibid.* ...[U]t iam non secundum sanctae scripturae traditionem unus deus et dominus coleretur, sed iuxta idolatriae superstitionem tres dei uenerarentur.

of the Goths before and after their religious conversion to Nicene Christianity in 589 A.D.⁶⁰

The Visigoths in the Fifth Century

The Rape of Rome

Isidore employs masculine images to describe the political fickleness of the war-like Goths, who were first federates of the Roman empire under the Spanish emperor Theodosius, but subsequently rejected imperial patronage. Gothic disloyalty prompted the assault and conquest of Rome in 409, led by Alaric, who destroyed the city in an act of vengeance. Isidore describes the conquest of Rome by the Visigoths with sexual imagery that denotes female subjugation by a male force and parallels the fate of *Mater Spania* in the *History*'s prologue. "And thus the city victorious over every nation was conquered by the triumphant Goths and she lay beneath them and, captured and subjugated, she served them."⁶¹

Drawing on the fifth-century account of Orosius, Isidore notes that the Goths departed from Rome after having seized Galla Placidia, the daughter of Theodosius and the sister of the emperors Honorius and Arcadius, along with the vast gold and wealth of

⁶⁰ Ibid.

⁶¹ *History of the Goths*, 15, p. 194. *Sicque urbs cunctarum gentium uictrix gothicis triumphis uicta subcubuit eisque capta subiugataque seruiuit.*

the Romans.⁶² This passage emphasizes the rapacity of the Goths, who sacked the ancient imperial city and seized a female member of the imperial family. Although the Visigothic leader Athaulf married Galla Placidia,⁶³ Athaulf's successor restored her to her family in an attempt to reestablish relations with the emperors.⁶⁴ Isidore, relying primarily on antecedent, Spanish historical sources, namely Orosius and Hydatius, describes a Visigothic polity fractured by divisions between one faction that desired a relationship with Rome and the other that did not. He employs the female figure of Galla Placidia, a member of the Spanish imperial family, to suggest the extent of the Visigoth's conquest, their fickle relations with imperial administration, their lack of internal consensus, and their rapacity. Isidore develops these themes at length in his critique of Visigothic relations with Spain and its inhabitants.

Old Testament Etiology

With the establishment of the Visigothic monarchy in early fifth-century Gaul and Spain, Isidore begins to express the union between the peninsula and its kings in terms of an artificial genealogy modeled on Old Testament sources that suggest his ambivalence about institutional monarchy.⁶⁵ Narrating in the etiological tradition of an Old Testament prophet, Isidore describes the manner in which the Visigoths gained control of the

⁶² *History of the Goths*, 18, p. 200.

⁶³ *History of the Goths*, 21, p. 204.

⁶⁴ *Ibid.*

⁶⁵ *History of the Goths*, 22-65, pp. 205-280.

peninsula, explains the origins of ethnic diversity in Spain, and ultimately sets up Spain as a second Promised Land. Throughout his account of the fifth-century Gothic kings, Isidore repeats his themes of the Visigoths' vacillating alliance with Rome and fratricidal infighting, using the example of Euric (466-484), who killed his brother Theoderic to gain the Visigothic throne.⁶⁶

The Visigoths in the Sixth Century

Marriage, Women, and Legitimate Authority

The subsequent focus of Isidore's chronological rendering of the sixth-century Visigothic kings is to describe their relationship with Spain as monarchs ruling from Toledo. Isidore recounts how the Visigoths finally moved the seat of their kingdom to Spain as a result of the Frankish defeat of Euric's son Alaric II (484-507) at the battle of Vouillé in 507. Here, Isidore gives greater prominence to the themes of Visigothic impiety, sexual immorality, avarice, and resulting military impotence, repeating the Old Testament injunctions against religious infidelity. In Isidore's account, the fifth-century Visigothic monarchy is characterized by its fickle relations with Rome and by its own

⁶⁶ *History of the Goths*, 34-35, pp. 226-228.

internecine strife. The sixth-century kings, by contrast, are viewed in terms of their relations with Spain, its people, and the Nicene church.⁶⁷

Women and Authority

Religious faithfulness here refers to Nicene Christianity, rather than to Hebrew monotheism, and in Isidore's etiological account, the Visigothic conquest of Spain becomes a kind of fiction, in which the message is theological and political rather than strictly historical. With the military movement of Visigoths into Spanish territory after 507, Isidore allies himself more pointedly with the tradition of Hosea by describing the relationship between God and Israel in terms of a marriage covenant.⁶⁸ He implies that God is espoused to Spain, also suggested by the Song of Songs references in the prologue dedicated to *Mater Spania*. As part of his critique of Gothic rule and consistent with Old Testament etiological tradition, Isidore devotes less attention, once the Visigothic kings are established in the peninsula, to the political and military events of their reigns than to their personalities.

In order to accomplish his purpose of questioning the legitimacy of Visigothic rule, throughout the *History*, Isidore uses the relationships of Gothic rulers with unnamed women, who only appear in these notices to illustrate the kings' lowly origins and moral turpitude as evidence of unworthiness to rule. In his portrayal of the reign of Alaric's

⁶⁷ Between the reign of Euric, with which Hydatius' account ends in 468, and the beginning of the account of John of Biclarum in 569, Isidore relies on the now lost chronicle of Maximus of Saragossa.

⁶⁸ Hosea 2:21-25.

successor, his illegitimate half-brother, Gesalic (507-510), Isidore emphasizes that the new king was born of a concubine, and “like his most vile kind, he was thus the greatest in infelicity and cowardliness.”⁶⁹ Gesalic fled in disgrace from the Burgundians at Narbonne to Barcelona, where later, he was destroyed by the forces of the Ostrogoth, Theoderic the Great of Italy (493-526). “Thus he lost first his honor, and afterwards his life.”⁷⁰ After the death of Gesalic, Theoderic placed on the Visigothic throne his surviving legitimate grandson, Amalaric (510-531), who was the son of Alaric II and Theuderic’s daughter. Isidore similarly portrays Amalaric, the child of a royal mother, as a cowardly imitator of his half-brother Gesalic: “Overcome in battle at Narbonne by the Frankish king Childebert, Amalaric fled in fear to Barcelona, and having become contemptible in all things, he died strangled.”⁷¹

Marriage and Authority

With the establishment of a continuous Gothic presence in Spain in the early sixth century, Isidore increasingly links ruling illegitimacy with the infidelity of Arian belief and Visigothic rulers’ sexual immorality. In doing so, he again employs the figure of “woman” as a source of sexual impropriety to represent the unworthiness of Visigothic

⁶⁹ *History of the Goths*, 37, p. 232: ... *sicut genere uilissimus, ita infelicitate et ignauia summus.*

⁷⁰ *History of the Goths*, 38, p. 234: ... *sicque prius honorem, postea uitam amisit.*

⁷¹ *History of the Goths*, 40, p. 238: *Qui cum ab Hildeberto Francorum rege apud narbonam proelio superatus fuisset Barcinonam trepidus fugiit effectusque omnium contemptibilis ab exercitu iugulatus interiit.*

kings to exercise royal authority. Theudisclus (548-549), for example, only reigned for one year, after which:

[H]e, who had defiled the marriages of very many powerful men with public prostitution, and for this his mind was disposed to put to death many of them, was prevented from this by the hand of conspirators at Seville, and between feasts his throat was cut, and thus slain, he was destroyed.⁷²

Married women appear here as incitements to lust, reflecting Isidore's description in *De ecclesiasticis officiis* (*On ecclesiastical offices*) of the dangers that beautiful women pose for their husbands.⁷³

In Isidore's depictions of one Gothic ruler after another, women serve as a narrative tool with which to dispute the exercise of political power. They also represent moral and physical violations of boundaries crossed not only against other men, but against the church and its male hierarchy. Male violations of these boundaries constitute insults to other males. After Theudisclus' ignominious death, Agila (548-554) became king, and just as his predecessor had profaned the marriages of other men at Seville, Isidore describes how Agila profaned the sanctity of the church in nearby Cordoba. In battle there:

[I]n contempt of the catholic religion, he [Agila] inflicted injury on the church of the most blessed martyr Asisclus and also polluted the holy place of his tomb with the horror of the victims and of their beasts so that as a profaner, with the battle begun against the Cordoban citizens, he merited the worthy punishments brought upon him by the saints.⁷⁴

⁷² *History of the Goths* 44, pp. 244-246: *Qui, dum plurimorum potentum conubia prostitutione publica macularet et ob hoc instrueret animum ad necem multorum, praeuentus coniuratorum manu Hispali inter epulas iugulator confossusque extinguitur.*

⁷³ *De ecclesiasticis officiis* II.xx.9, p. 100.

⁷⁴ *History of the Goths*, 45, pp. 246-247: *Iste aduersus Cordubensem urbem proelio mouens, dum in contemptu catholicae religionis ecclesiae beatissimi martyris Aciscli iniuriam inferret hostiumque ac*

In this passage, Agila appears to have been involved in conflict, not only with the citizens of Cordoba, but also with a Visigothic faction in Seville led by Athanagild (554-567), who aspired to the Visigothic throne. In fear for their lives, Agila's own troops killed him and handed themselves over to his successor.⁷⁵ In his avarice and ambition to seize the throne, however, Athanagild demanded Byzantine assistance from the emperor Justinian. Once Byzantine troops entered the peninsula, Visigothic military force was impotent in effecting their removal.⁷⁶

Here, Isidore relies on the account of John of Biclarum for the period from 567 until 590. John begins his chronicle with the reign of Liuva (567-571), who, after one year of rule, associated his brother Leovigild with him on the throne. John states only that Leovigild became co-ruler in 568 and consolidated his power in Spain by marrying the widow of Athanagild, the Arian queen Goiswintha.⁷⁷ Isidore expands this entry with additional information concerning events in his own lifetime: "And thus the two [brothers] ruled the kingdom, although no power is tolerant of a partner. To Liuva is reckoned, therefore, only one year of rule in the order of time, and the remainder are counted to his brother Leovigild."⁷⁸

iumentorum horrore sacrum sepulchri eius locum ut profanator pollueret, inito aduersus Cordubenses ciues certamine poenas dignas sanctis inferentibus meruit.

⁷⁵ *History of the Goths*, 46, p. 248.

⁷⁶ *History of the Goths*, 47, pp. 250-252.

⁷⁷ John of Biclarum, *Chronicon*, a.569.

⁷⁸ *History of the Goths*, 48, pp. 250-252: *Sicque regnum duos capuit, dum nulla potestas patiens consortis sit. Huic autem unus tantum annus in ordine tempororum reputatus, reliqui Leuuigildo fratri adnumerantur.*

Conflict and Conversion in the Late Sixth Century

Isidore accords three separate entries to the reign of Leovigild, something that he had not done since he recorded Alaric I's conquest of Rome. In the first entry, Isidore details Leovigild's military efforts against Hispano-Romans, who are described by their ancient indigenous names. Unwilling to give Leovigild credit for military exploits against his own subjects, Isidore de-emphasizes Leovigild's prowess as a warrior, which is obscured by the king's impiety.⁷⁹ In his account of Leovigild's attempts to impose Arianism on Nicene Catholics, Isidore omits any mention of Leander, and devotes only one brief sentence to Hermenegild's revolt against Leovigild.⁸⁰ Isidore breaks even more profoundly with John of Biclarum's chronicle account to emphasize Leovigild's Arianism and the severity of the king's persecution of Nicene Christians.⁸¹ Throughout the *History*, Isidore's description of Leovigild's reign is the most explicit criticism he offers of the destructiveness of Visigothic rule and the effects of Arian persecution on the Hispano-Roman majority.

With these entries, Isidore brings the genealogy of the Visigothic kings up to the point of their conversion in 589 during the reign of Reccared (586-601). Isidore opposes the praiseworthy elements of Reccared's rule to the persecutory aspects of his father's reign, devoting five entries to Reccared's kingship.⁸² For Isidore, the crowning glory of

⁷⁹ *History of the Goths*, 49, pp. 252-254.

⁸⁰ *History of the Goths*, 49, pp. 252-254: *Hermenegildum deinde filium imperiis suis tyrannizantem obsessum exsuperavit.*

⁸¹ *History of the Goths*, 50-51, pp. 256-258.

⁸² *History of the Goths*, 52-56, pp. 260-266.

Visigothic kingship was the reign of Reccared, under whom the Visigoths converted to the Nicene faith of the Hispano-Roman majority.⁸³ Isidore gives the conversion of the Goths at the Third Council of Toledo (589) centrality in his account of Reccared's reign, but omits any mention of Leander's role in it or of the Visigothic rebellions occasioned by it.⁸⁴ The importance of Reccared's rule lay not in his military prowess, although Isidore mentions that feature of the king's reign, but in the manifestation of the king's faith through public acts of justice and generosity. According to Isidore, these were the implicit reasons for which the kingship was conferred on Reccared by God and which the king's conversion to Nicene Christianity enabled him to carry out.⁸⁵

The Visigoths in the Seventh Century

Ruling Instability

After giving fifty-six entries of his *History* to the genealogy of the Visigothic kings, Isidore assigns only nine entries more to the period after Reccared's reign, from 601 to 624, emphasizing the relatively short time that had expired since the Goths' religious conversion. Following Reccared's death, Visigothic kingship continued to be unstable, religious unification notwithstanding. Isidore praises Reccared's son Liuva (601-603), who, although born of a humble mother, was renowned for the quality of his

⁸³ *History of the Goths*, 52-53, pp. 260-262.

⁸⁴ *History of the Goths*, 53, p. 262.

⁸⁵ *History of the Goths*, 55-56, pp. 264-266.

virtues. Witteric, implicated by John of Bicularum in an earlier revolt at Merida, seized power illegitimately, tortured Liuva by cutting off his hand, and killed the young king.⁸⁶ Reminiscent of earlier kings, Witteric (603-610), acted unlawfully. He died between the courses of a meal by a sword unceremoniously wielded against him in the hands of conspirators. Witteric's end recalls Agila's death and perhaps also Agila's misdeeds with the wives of his men.⁸⁷ After Witteric's death, Gundemar (610-612) ruled for two years, and was succeeded by Sisebut (612-621).

Forced Conversions

Religious conversion did little to alter the instability of Gothic succession, and Isidore emphasizes the rulers' usurpation of ecclesiastical power, reminiscent of the forced conversions of Nicenes by Leovigild in the 580s. At the beginning of his reign, Isidore reports that Sisebut brought the Jews by force into the Christian faith, acting with zeal, "but not according to knowledge,' for the king compelled by force those who should have been called to the faith through reason."⁸⁸ Isidore qualifies his criticism of Sisebut's action against the Jews, saying that "whether through circumstance or through

⁸⁶ *History of the Goths*, 57, p. 268.

⁸⁷ *Ibid.*

⁸⁸ *History of the Goths*, 60, pp. 270-272: *Qui initio regni Iudaeos ad fidem Christianam permouens aemulationem quidem habuit, sed non secundum scientiam: potestate enim compulit, quos prouocare fidei ratione oportuit.*

the truth, Christ is proclaimed” (*sive per occasionem sive per ueritatem donec Christus adnuntietur*).⁸⁹

Having died under questionable circumstances, Sisebut left a young son, Reccared II, who reigned for only a few days after his father’s death, before he himself died.⁹⁰ After the death of Reccared II, Swintila (621-631), a general under Sisebut, “received the royal scepter by divine grace” (*gratia diuina suscepit sceptrum*)⁹¹ Swintila’s significance to Isidore was that he expelled the Byzantine’s from Spain and was the first king to rule over the entire kingdom of Spain.⁹² In addition, Swintila subjugated the Vascones (Basques) to his “rule and sovereign power” (*regna ditionique*).⁹³ Unlike the overzealous Sisebut, Swintila possessed the virtues of a king, i.e. faith, prudence, industry, justice, and concern for the proper exercise of royal authority. He was generous to the needy (*indigentes*) and merciful to those requiring protection (*inopes*): “thus he was not only the prince of the people, but also was worthy to be called the father of the poor (*pauperum*).”⁹⁴

Here Isidore juxtaposes the uncanonical conversions imposed on the Jews by Sisebut with the mercy and care that Swintila lavished on the needy, the unprotected, and the poor. Unlike Sisebut, Swintila had a son, Riccimir, who was a reflection of the paternal virtues and lived long enough to be associated in his father’s reign. Emphasizing

⁸⁹ Ibid.

⁹⁰ *History of the Goths*, 61, p. 274.

⁹¹ *History of the Goths*, 62, p. 274.

⁹² *History of the Goths*, 62-64, pp. 274-278.

⁹³ *History of the Goths*, 63, pp. 276-278. The noun *dictio* is found in the Book of Joshua, in which the tribes of Israel are established in peace and prosperity according to God’s promise (Joshua 21:41-45).

⁹⁴ *History of the Goths*, 64, p. 278: ... *ita ut non solum princeps populorum, sed etiam pater pauperum uocari sit dignus*.

the importance and elusiveness of ruling stability, Isidore closes his *History* with a prayer to “the rightful ruler of heaven and humankind (*caeli atque humani generis rector*)” that Riccimir might be worthy to succeed his father in the royal succession.⁹⁵ With this petition, Isidore summarizes his etiology of the Goths from the accession of Athanaric, which the bishop dates from 368 A.D. to the fifth year of Swintila’s reign (621-31) in 624, emphasizing that the Goths ruled only by divine favor for 256 years.⁹⁶

Throughout the prologue and his historical etiology of the Gothic kings of Spain, Isidore links divine love for and protection of Israel against her kings to the relationship that exists between God and *Mater Spania*. In doing so, he emphasizes the travails of the land and its people under the domination of Arian Visigothic rulers, portrayed in terms of their religious unfaithfulness, immorality, and military impotence. After the conversion of the Visigoths to the faith of their Hispano-Roman subjects, Isidore continues to demonstrate the inconsistent exercise of ruling power by kings who failed to recognize the proper separation of secular and ecclesiastical spheres of authority.

RECAPITULATION (*RECAPITULATIO*)

In his *Recapitulatio* (*Recapitulation*), only five entries in length and immediately following the *History of the Goths*, Isidore repeats the origins of the Goths from Magog,

⁹⁵ *History of the Goths*, 65, pp. 278-280.

⁹⁶ *History of the Goths*, 65, p. 280.

the son of Japheth, emphasizing that they established their homeland and rule in Spain through bellicosity, fear, force, and subjection of other peoples.⁹⁷ He praises the fighting strength of the Goths, but also inserts references to the capitulation of Rome to the Gothic “yoke of captivity” (*iugo captiuitatis*)⁹⁸ and the servitude of Spain to their warrior prowess.⁹⁹ These passages stand in contrast to Isidore’s unreserved praise of *Mater Spania* in the prologue, and continue the theme of the *History* that the Goths ruled over the peninsula as a result of their conversion covenant with God - a covenant they violated through religious impiety, sexual immorality, internecine strife, and infringements upon ecclesiastical authority.

The brevity of Isidore’s closing epitome of the Goths compares negatively with the prologue. The *Recapitulation* also lacks the scriptural, classical, and patristic references that adorned the bishop’s opening paean to Spain. Unlike the ancient continuity with which Isidore characterizes *Mater Spania* in the prologue, in the *History* and its *Recapitulation*, with representations of ruling instability, the bishop questions whether Gothic kingship, established and maintained by force, can ultimately withstand changes in political dispensation generated from within or from without the borders of the Spanish kingdom.

⁹⁷ *Recapitulatio*, 66, p. 282.

⁹⁸ *Recapitulatio*, 67, p. 284: *Quibus tanta extitit magnitudo bellorum et tam extollens gloriose uictoriae uirtus ut Roma ipsa uictrix omnium populorum subacta captiuitatis iugo Gothicis triumphis adcederet et domina cunctarum gentium illis ut famula deseruiet.*

⁹⁹ *Recapitulatio*, 68-70, pp.284-286.

VIRGINITY AND MARRIAGE IN POLITICAL DISCOURSE

In the narrative works discussed in this and the previous chapter, Leander and Isidore of Seville use marriage and virginity as points of conflict as well as potential solutions to the political vagaries of Visigothic rule. For Leander, ascetic virginity illustrates the strict boundaries that Nicene Christians should observe in relation to the Arian Visigothic and Jewish communities in Spain. For Isidore, marriage signifies the potential for unity that existed between Hispano-Roman and Visigothic Christians. Under seventh-century Gothic policy, this questionable union involved the subjugation and marginalization of the Jewish population.

These narrative sources, while based on the Arian-Nicene disputes of late antiquity, reflect in the context of an early medieval Germanic kingdom a new concept of Christian “unity” that did not exist in the classical and patristic sources. In the Visigothic texts, which spoke simultaneously to ruling and subject male audiences, both Leander and Isidore of Seville brought contemporary disputes over the proper exercise of authority out of the *doxa* and into the realm of contested opinions under the auspices of Christian “orthodoxy.” Some subjects, nevertheless, remained difficult of expression. Leander did not explicitly address the Arian-Nicene conflicts of the 570s, but instead, treated them more obliquely in his polemical treatise on ascetic virginity. Although Isidore failed to mention Leander in the *History*, he could not have been unaware of the confessional conflicts of the 580s in which his brother was intimately involved. He

focused, instead, on a historical etiology in the Old Testament tradition in which he functioned as a prophetic, narrative voice.

Despite the authority which both Leander and Isidore appear to have wielded in a contemporary context, neither could openly criticize the legitimacy of Visigothic rule. They used such means as were available to them: a treatise on virginity and a historical etiology. With these narrative instruments, the two expressed their own rights to public authority and posed potential solutions to the historical problem of unity, using the themes of marriage, women, and wealth to depict their concerns. In these sources, women appear as metaphors with which to address the dangerous topics of ruling instability, military subjugation, and avarice, but they function neither as the real subjects, nor the real audiences, of writings on the proper exercise of male power.

The sources authored by Leander and Isidore of Seville built on antecedent Christian attitudes. While their focus was on Visigothic Arians, the two bishops effectively eliminated Jews from any consideration of Christian “unity.” The next two chapters on the Third and Fourth Councils of Toledo will demonstrate how - using the Christian discourse of late antiquity - marriage, women, and wealth appear once again in negotiations over power between ruler and ruled. In the conciliar sources, as in the narratives ones, these negotiations were expressed as the forging of a marital *concordia* between opposing masculine and feminine forces that sought to define the roles and limits of both.

PART III

COUNCILS

In Chapters Five and Six, I argue that the Third and Fourth Councils of Toledo (589 and 633 A.D.) provide evidence of strong conflict during the period of so-called religious and political “unification” in the Spanish Visigothic kingdom. The relationship between gender and power articulated by Leander and Isidore of Seville in the two narrative sources also appears in the Spanish conciliar texts. Gendered images are used to dispute the nature and boundaries of secular and ecclesiastical authority. The ruling Visigothic minority, styled in masculine terms, and the Nicene bishops, representing the interests of *mater ecclesia*, claim, counterclaim, and negotiate orthodoxy and status. Far from indicating a new-found “unity,” often expressed as a “marriage” covenant, the conciliar sources examined in this chapter demonstrate competing claims to authority between Visigothic and Hispano-Roman Christians. Caught in the conflict between the two, the Jewish community becomes increasingly visible as a disputed source of political capital, as rulers and bishops compete for religious authority.

Chapter Five addresses the Third Council of Toledo (589 A.D.), in which Leander of Seville played a leading role. Chapter Six examines the Fourth Council of Toledo (633 A.D.) over which Isidore of Seville presided. There is currently no published

English translation of the councils, and as part of this dissertation study, I have translated the conciliar texts based on the critical edition edited by Gonzalo Martínez Díez and Félix Rodríguez.¹ The translations appear in facing Latin-English text as Appendices A and B.² Using these texts, these chapters reconsider the marital imagery and oppositional masculine and feminine roles deployed by both rulers and bishops as evidence for the failure of unification initiatives between Gothic factions vying for power and their Hispano-Roman Catholic and Jewish subjects.

¹ *La colección canónica Hispana*, eds. Gonzalo Martínez Díez and Félix Rodríguez, 6 vols., Madrid: Consejo Superior de Investigaciones Científicas, 1966-1997. Volume V, edited by Félix Rodríguez and published in 1992, contains the Latin texts of the Third and Fourth Councils of Toledo.

² For ease of reference, the notes to this chapter will indicate both the critical edition (for example, *CCH* V, p. __), and the relevant appendix to this study (for example: App. A, p.__) in citations from the Third and Fourth Councils of Toledo.

CHAPTER FIVE

THE THIRD COUNCIL OF TOLEDO

Standard studies of the Third Council of Toledo ignore the tension between “male” Visigothic and “female” ecclesiastical actors in the religious and political “marriage” envisioned in the texts.¹ This chapter obviously disputes traditional historiographical verdicts of the council as a scene of unification. I choose to amplify recent scholarship concerning the conflicts that characterized the relationship between the Goths and Hispano-Romans in the age of Visigothic “unity.” I do so by considering the marital rhetoric and gendered imagery of these conciliar texts as evidence of ongoing disputes over the nature and limits of secular and ecclesiastical authority.

¹ According to Luís A. García Moreno, the Third Council of Toledo was “un tacito acuerdo entre la monarquía y la jerarquía episcopal, en virtud de la cual ambos poderes obtendrían una serie de ventajas, prestandose mutua ayuda.” Luís A. García Moreno, *Historia de España visigoda*, Madrid: Ediciones Cátedra, S.A., 1989, p. 346. More recently, José Orlandis presents the view that the same council established “la unidad religiosa del pueblo español en la fe católica.” José Orlandis, *La vida en España en tiempo de los godos*, Madrid: Ediciones Rialp, S.A., 1991, p. 101. For a similar sentiment in an earlier monograph by the same author, see: José Orlandis, *Historia del reino visigodo español*, Madrid: Ediciones Rialp, S.A., 1988, pp. 76, 113. There is quibbling with this view. Peter Linehan notes that, while the rhetoric of the conciliar texts expresses “the fundamental issue of the relationship of the ruling Gothic minority to the Hispano-Roman majority,” the councils were neither the “birthplace” of Spanish nationalism, nor the “baptismal font” of Spanish Catholicism. Peter Linehan, *History and the Historians of Medieval Spain*, Oxford: Clarendon Press, 1993, p. 25. Rachel Stocking has argued that “constitutional consensus” was not achieved at the Third and Fourth Councils of Toledo. Rachel L. Stocking, *Bishops, Councils, and Consensus in the Visigothic Kingdom, 589-633*, Ann Arbor: The University of Michigan Press, 2000.

Although little attention has been given by scholars to these rhetorical strategies in the Visigothic councils, Samuel Laeuchli has studied the sexual content of canons promulgated at the Spanish Council of Elvira (c.309) for clues to the establishment of episcopal authority in an early fourth-century conciliar context.² More recently, Virginia Burrus has considered sexual ascetics as a category for the exercise of episcopal authority at the Spanish Council of Saragosa (c.388).³ Both scholars have used a similar approach to two pre-Visigothic Spanish councils. This approach considers the order of the canons, the grouping of topics, and the penalties assessed in order to determine what the bishops thought was most important in their deliberations.⁴ It takes note of items that require little discussion and appear first on the agenda, as well as those weightier items which require additional discussion and appear last.⁵ The intensity of language in connection with certain topics indicates which of those topics held the most emotional charge for the participants.⁶

In addition to employing an approach to the Toledan councils that has proved fruitful in reading at least two fourth-century Spanish councils, this chapter presents evidence for the continuing use of rhetorical strategies characteristic of the late classical Nicene-Arian debates, i.e., claims to “orthodoxy” and accusations of “heresy” expressed

² For examinations of gender and Spanish conciliar authority, see: Samuel Laeuchli, *Power and Sexuality: The Emergence of Canon Law at the Synod of Elvira*, Philadelphia: Temple University Press, 1972.

³ Virginia Burrus, “Ascesis, Authority, and Text: The Acts of the Council of Saragossa,” in *Discursive Formations, Ascetic Piety, and the Formation of Early Christian Literature*, 2 vols., Semeia Series 58, ed. Vincent L. Wimbush, Atlanta: Society of Biblical Literature, 1992, pp. 96-108.

⁴ Virginia Burrus, *The Making of a Heretic: Gender, Authority, and the Priscillianist Controversy*, Berkeley: University of California Press, 1995, pp. 32-33, bases her approach to the Council of Saragosa (c.388 A.D.) on that of Samuel Laeuchli in his *Power and Sexuality: The Emergence of Canon Law at the Synod of Elvira*, and discusses that approach in detail.

⁵ Ibid.

⁶ Ibid.

with gendered imagery. The conciliar texts recall late classical representations of “unity” as a marital conjoining, although the conciliar parties continue to represent themselves in terms of gendered constructions that signal oppositions and conflicts.

Rulers and bishops dispute secular and ecclesiastical authority over persons and property, and in almost every area, contestations over power appear as binaries. These binaries, not always consistently applied, function to represent contesting claims to orthodoxy and status, as well as authority over categories of persons and patrimony. Within these categories, male control over women and wealth concerns wealth more than it does women, who function as a means to exercise ecclesiastical authority over the married Arian clergy, as well as royal authority over the Jewish population.

The council’s predominant concerns are to establish conflicting royal and episcopal claims to patrimony. This patrimony includes church land and buildings, as well as slaves belonging to the churches, the royal fisc, and the Jewish community – along with exemptions from secular exactions and confiscations. Rulers appear as both dominant and submissive parties, as do the Arian and Nicene episcopacies, but women and Jews function throughout as objects of control.

THE ROYAL ADDRESSES

The religious conversion of the Visigothic Arians to Nicene Catholicism was a viewed as an “innovation” (*innouatione*),⁷ and indeed it was, not having been experienced by Roman emperors or Germanic rulers to date in such a way.⁸ In his multiple addresses, the king presents the conversion of the Visigoths as a matter of his own personal initiative. Reccared attempts to control the proceedings, although he and his followers offer affirmations of Nicene faith for the approval and ratification of the assembled Nicene bishops. These last included Masona of Merida as the senior metropolitan bishop present, and Leander of Seville as the probable supervisor of conciliar business, as John of Biclarum attests.⁹

The Obstacle of Heresy

In his initial speech, Reccared omits mention of the religious conflicts of his father’s reign and takes an assertive stance.¹⁰ Marital rhetoric and gendered imagery pervade this address, in which the king sets up the notion of religious unification as a marriage covenant between the Visigothic ruling party as the masculine entity and the

⁷ *CCH* V, p. 50; App. A, p. 317.

⁸ See, for example, Gregory of Tours’ description of the conversion and baptism of the Frankish king, Clovis, in the early sixth century: Gregory of Tours, *History of the Franks*, transl. Lewis Thorpe, Harmondsworth: Penguin Books, 1974, repr. 1982, pp. 143-145.

⁹ John of Biclarum, *Chronicon*, a.590. Nicene bishops Masona of Merida and Leander of Seville were involved in conflicts with Reccared’s father and royal predecessor, Leovigild (568-586), in the decade preceding the Third Council of Toledo.

¹⁰ *CCH* V, pp.50-52; App. A, pp. 317-319.

church, represented by the Nicene episcopacy, as the female party to the union. Reccared invokes binaries of Goth/non-Goth, Arian/Nicene, orthodoxy/heresy, masculinity/femininity, and unity/disunity. He credits himself for calling the assembly, through which God has called him to repair the damage inflicted in the past by “the obstacle of heresy” (*haeresis obicem*).¹¹

In this address, the notion of an exchange of royal authority for religious submission provides the framework for the council’s purpose in meeting publicly.¹² In the king’s view, royal authority bears the responsibility for correct religious belief, which by implication he accepts from the Nicene majority in return for the right to rule.¹³ This reasoning constitutes an admission of the political realities which brought the king to conversion, council, and confirmation of faith. Reccared acknowledges the difficulties that Arian “error” (*errorem Arrianorum*) had presented to the Nicene church in Spain, implying that the religious conflicts of the 580s were attributable to Leovigild’s ill-conceived religious policies.¹⁴

Reccared’s own conversion took place only a few days after Leovigild’s death.¹⁵ Although he never names the bishop who converted him, Gregory the Great ascribes Reccared’s conversion to Leander of Seville, in whose care Leovigild left his only

¹¹ CCH V, pp. 50-51; App. A, p. 318: *Et quia decursis retro temporibus haeresis imminens in tota ecclesia catholica agere synodica negotia denegabat, Deus, cui placuit per nos eiusdem haeresis obicem depellere, admonuit instituta de more ecclesiastica reparare.*

¹² On the religious sincerity of Reccared’s conversion, see: Biagio Saitta, “La conversione de Recaredo: necessità politica o convinzione personale,” in *Concilio III de Toledo: XIV Centenario, 589-1989*, pp. 375-384.

¹³ CCH V, pp. 53-54; App. A, pp. 318-319.

¹⁴ CCH V, pp. 52-53; App. A, pp. 318-319.

¹⁵ For recent work on the politics of late sixth-century conversion in the Spanish Visigothic kingdom, see: Richard S. Rawls, *Political Factionalism and the Conversions of the Visigoths*, Ph.D. Diss., Atlanta: Emory University, 2002.

surviving son.¹⁶ At the same time that Reccared claims credit for the Visigoths' conversion, he submits to the requirements of the Nicene bishops for a public proclamation of religious faith.¹⁷

The King's Tome of Faith

The king's conversion in 586 does not seem to have been enough of an assurance of religious fidelity for the Nicene bishops, because John of Biclarum relates that the king wrote out his profession of faith in his own hand (*tomo scriptum manu sua*) for presentation at the council of 589.¹⁸ In Reccared's "tome of the sacrosanct faith," (*sacrosanctae fidei tomum*), read out by a scribe (*notario*), the Nicene term *homoousion*¹⁹ and the Augustinian term *filioque*²⁰ figure prominently, along with a lengthy self-justification for royal conversion.²¹ The term, *homoousion*, we recall, was the signifier *par excellence* of fourth- and fifth-century (Nicene) "orthodox" faith. Its repetition in the conciliar text with the king's subscription to statements of belief from the councils of

¹⁶ Gregory the Great, *Dialogues* 3.31 (593 A.D.).

¹⁷ CCH V, p.53; App. A, p. 319.

¹⁸ John of Biclarum, *Chronicon*, a.589.

¹⁹ The manuscripts and early printed editions of the council that I have consulted all contain the term *homousion*, rather than *homoousion*. I am unable to explain the discrepancy.

²⁰ On the development of the Christian creeds of Nicaea, Constantinople, and Chalcedon, see: J. N. D. Kelly, *Early Christian Creeds*, 3rd ed., London: Longman Group Limited, 1972. The conciliar text also contains the first reference to the *filioque* in an ecclesiastical council. The term is taken from Augustine's *De trinitate*, which developed the term in response to Arian doctrine that viewed the Son as derivative of the Father. For Augustine and the *filioque*, see: William A. Sumruld, *Augustine and the Arians: The Bishop of Hippo's Encounters with Ulfilan Arianism*, Selinsgrove: Susquehanna University Press; London and Toronto: Associated University Presses, 1994, p. 66. Augustine, *On the Holy Trinity* 5.15, *Saint Augustine: On the Holy Trinity, Doctrinal Treatises, Moral Treatises*, ed. Philip Schaff, New York: Charles Scribner's Sons, 1905, pp. 94-95.

²¹ Reccared's declaration of faith: CCH V, pp. 52-75 ; App. A, pp. 319-329.

Nicaea (325), Constantinople (381), and Chalcedon (451) was intended to make royal submission to the “orthodoxy” of Nicaea and its successor councils clear and unambiguous.

More than the king’s conversion was at stake, for as God’s appointee, Reccared ameliorates his religious submission by claiming the apostolic authority of the bishops and comparing his fervor for the Nicene faith to theirs:

I too inflamed by the Lord am excited with love of the faith, so that removed from the impulsive obstinacy of infidelity and from the furor of discord I recalled the people who under the name of religion were enslaved to error.²²

The juxtaposition of “infidelity” with “discord” here recalls the fourth-century rhetoric concerning private, domestic (marital) harmony and rights to public authority, an important theme of fourth-century political discourse.²³ Marital harmony as a political theme finds further expression in the king’s characterization of the Goths as a masculine entity and foreshadows Isidore of Seville’s descriptions of them in the *Historia gothorum* (c.624).²⁴

The “Manliness” of the Kingdom

Those whom Reccared brings to faith in the apostolic tradition are “the whole celebrated nation of the Goths genuinely regarded as the manliness (*uirilitate*) of the

²² CCH V, p. 57; App. A, p. 321: *Me quoque, ut re ipsa conspiciatis, calore fidei accensum in eo Dominus excitauit, ut depulsa obstinatione infidelitatis et discordiae submoto furore populum qui sub nomine religionis famulabatur errori ...*

²³ Kate Cooper, *The Virgin and the Bride: Idealized Womanhood in Late Antiquity*, Cambridge, Massachusetts and London, England: Harvard University Press, 1996.

²⁴ For example, Isidore of Seville, *History of the Goths, Recapitulatio*.

whole people.”²⁵ The Goths constitute the male party to a marriage covenant with a maternal church, so that “with its whole heart it [the *gens gothorum*] is made a party in the communion which protects with the maternal embrace and suckles with the breasts of charity the multitude of diverse peoples.”²⁶ The “manliness” of the Goths is an offering from the king to the Nicene bishops, “a holy and pleasing sacrifice” (*quasi sanctum et placabile sacrificium*), presented with Reccared’s wish that the virile Goths should “persist in her [the church] established and made firm” (*fundati in eadem et stabiliti permaneant*).²⁷

The king offers the Goths as a “sacrifice” to the Nicene bishops, but at the same time, qualifies the submissive nature of Arian conversion by asserting the virility of his followers in joining with the maternal church. He inverts the binaries of religious dominance and submission, and invokes masculine and feminine constructions to do so. Having rhetorically re-established Gothic authority using oppositional sexual imagery, Reccared assigns to the bishops the teaching office of the church. He asserts the apostolic office of missionizing the Goths into the church for himself, however, employing scriptural references to St. Paul’s evangelizing activities.²⁸ With his claim of apostolic fervor, the king also asserts his rights to spiritual authority over the bishops’

²⁵ CCH V, p. 57; App. A, p. 321: ... *omnis gens Gotorum inclita et fere omnium gentium genuina uiriliter opinata* ...

²⁶ CCH V, pp. 57-58; App. A, p. 321: ... *toto nunc tamen mecum assensu concordans eius ecclesiae communioni participatur quae diuersarum gentium multitudinem materno sinu suscipit et caritatis uberibus nutrit* ...

²⁷ CCH V, p. 59; App. A, pp. 321-322.

²⁸ CCH V, pp. 60-61; App. A, pp. 322-323. The Pauline references are to I Timothy 6:12 and Romans 10:10.

own, using masculine and feminine images to define the relative dominant and subordinate roles of the crown and the ecclesiastical hierarchy.²⁹

In confirmation of his authority, Reccared places the Goths, the “manliness” of the kingdom, under the bishops’ instruction for only one purpose: “to embrace with more avid desire the communion of the catholic church” (*uel catholicae ecclesiae communionem desiderio avidiori amplectere*).³⁰ The king acknowledges that the bishops alone possess the sacramental authority to ratify the indissoluble bond of religious covenant with the Gothic people who “are made a party in the lap of the holy catholic church” (*in sinu ecclesiae sanctae catholicae collocatae sunt*).³¹ He claims the conversion of the Goths as evidence that he deserves not only the earthly crown, however, but an eternal spiritual one as well (*immarcescibilis corona*).³² The spiritual authority of the celibate bishops is placed in contrast to the authority of a married king, who lays claim to overarching earthly and spiritual power.

Ruler and High Priest

After the confessions and subscriptions of the Goths present at the council, about which more will be said below, the king overturns the submissiveness required by the

²⁹ On the Reccared’s addresses as statements of royal prerogatives, see also: M. C. Díaz y Díaz, “Los discursos del rey Recaredo: El *Tomus*,” in *Concilio III de Toledo: XIV Centenario, 589-1989*, Madrid: Biblos Industria Gráfica, S. L., 1991, pp. 223-236.

³⁰ *CCH V*, p. 59; *App. A*, p. 322.

³¹ *CCH V*, p. 58; *App. A*, p. 321.

³² *CCH V*, p. 59; *App. A*, p. 322.

Nicene bishops for acceptance into the church by re-asserting his authority over both secular and ecclesiastical affairs in a third address. In it, Reccared claims that: “Royal attention ought to be aimed and resolves to be directed in such a way as to take in hand the full system of truth and knowledge.”³³ In this address, the king does not appear to be speaking solely to Arian clerics. The sense of the text is that he is addressing all the assembled prelates and informing them that he will stand henceforth as the patriarchal figure in the religious union between the ruling Goths and the Nicene church. To this end, Reccared orders the repetition of the Nicene creed in all Spanish churches, commands the order of the liturgy in which it should be said, and instructs the bishops to limit their ongoing differences in the interest of maintaining ecclesiastical discipline.³⁴

The king inverts the religious submission that conversion entails by underscoring his dual role as paternal authority in both secular and ecclesiastical affairs. Royal claims to spiritual authority are made by invoking the binary of maternity/paternity to establish the proper relationship of church to crown. Using additional marital imagery as justification for this move, he characterizes religious union as a love relationship, which none should fail to acknowledge.³⁵ Commanding obedience to the conciliar constitutions, Reccared puts aside the rhetoric of religious union to claim authority over the ecclesiastical hierarchy.³⁶

³³ CCH V, p. 99; App. A, p. 344: *Regia cura usque in eum modum protendi debet et dirigi quem plenam constet ueritatis et scientiae capere rationem.*

³⁴ CCH V, p. 102; App. A, p. 345.

³⁵ CCH V, p. 133; App. A, p. 362.

³⁶ CCH V, pp. 138-139; App. A, p. 362.

CONFLICT AND CONVERSION *REDUX*

The Nicene episcopacy demands the submission of the ruling Visigothic party at the Third Council of Toledo to the religious faith of the Hispano-Roman majority. Although the Gothic professions of faith obey the requirements of the Nicene episcopal party, only eight Visigothic bishops appear as signatories to the professions and *anathemata*, and of those eight, three have no discernible see attached to their names.³⁷ According to a list of Spanish sees from the eighth century, there were approximately eighty episcopal cities in the peninsula.³⁸ The small number of Arian episcopal signatories suggests that the conversion of 587 and the council of 589 that confirmed it were not unanimously well-received by the entire Arian ecclesiastical hierarchy.³⁹ In addition to the bishops, the Arian converts include five royal officers and an unspecified number of priests, deacons, and military leaders (*seniores*).⁴⁰

The conversion was assumed to apply to the entire Gothic people (*omnium episcoporum et totius gentis Goticae seniorum*),⁴¹ but the contemporary chronicler, John of Biclarum, indicates that the conversion spurred at least three different Gothic revolts

³⁷ CCH V, pp. 95-98; App. A, pp. 342-344.

³⁸ Michael Kulikowski, *Late Roman Spain and Its Cities*, p. 286, n. 1, referring to the ecclesiastical geography of seventh-century Spain; the *Nomina hispanarum sedium*, also called the *Provincia visigothica*, is edited in *Corpus Christianorum*, Series Latina, CLXXIV, pp. 421-28. For the Roman road system in Spain and the municipalities connected by it, see: José Manuel Roldán Hervas, *Itineraria Hispana: Fuentes antiguas para el estudio de las vías romanas en la península ibérica*, Madrid: Gráficas Condor, S.A., 1975.

³⁹ On the absence of Gothic signatories to the council and Gothic revolts contemporaneous with it, see also: Roger Collins, “¿Dónde estaban los arrianos en el año 589?” in *Concilio III de Toledo: XIV Centenario, 589-1989*, pp. 211-222.

⁴⁰ CCH V, pp. 95-98; App. A, pp. 342-344.

⁴¹ CCH V, pp. 98-99; App. A, p. 344.

against Reccared, both before and after the council of 589.⁴² One of these involved Goiswintha, the staunchly Arian widow of the two previous Visigothic kings, Athanagild and Leovigild. Another involved Sunna, the Arian bishop of Merida, who was also an opponent of Masona, the Nicene bishop of Merida.⁴³ These overt military challenges to Reccared's royal authority in leading the move to religious conversion and Christian unification suggest that the king's rhetorical strategies to enhance his own status with masculine constructions of Gothic manliness and virility stood in stark contrast to contemporary realities.

Goiswintha had previously played a role in confessional conflicts within the ruling family. According to both John of Biclarum and Gregory of Tours, she bore responsibility for exacerbating conflicts between the Arian king Leovigild and his elder son, Hermenigild, between 579 and 584.⁴⁴ Throughout these conflicts, Sunna of Merida had been a loyal supporter of Leovigild.⁴⁵ The Visigothic queen and her Visigothic bishop were known in contemporary chronicles for their strong Arian and anti-Nicene views. They both led rebellions against Reccared around the time of the Goths' conversion to the Nicene faith. On this basis, Reccared's assertions of ruling supremacy (with which he masculinizes himself and his followers and feminizes the ecclesiastical hierarchy) inaccurately reflect contemporary political circumstances within his own

⁴² John of Biclarum, *Chronicon*, aa.588, 589, and 590.

⁴³ On royal marriages and confessional conflicts in and between the Frankish and Visigothic kingdoms, see: Janet L. Nelson, "A propos des femmes royales dans les rapports entre le monde wisigothique et le monde franc à l'époque de Reccared," in *Concilio III de Toledo: XIV Centenario, 589-1989*, pp. 465-476.

⁴⁴ John of Biclarum, *Chronicon*, aa.579-582; Gregory of Tours, *History of the Franks*, IV.27, V.38, IX.1.

⁴⁵ *Lives of the Visigothic Fathers*, ed. and transl. A. T. Fear, Translated Texts for Historians 26, Liverpool: Liverpool University Press, 1997, pp. 72-105.

party. These royal representations also encounter resistance from the Nicene episcopacy in the canons and the homily of the Third Council of Toledo.

ORTHODOXY AND STATUS IN THE EPISCOPAL ADDRESSES

Religious Conversion and Episcopal Submission

After the proclamations of faith, in a short oration replete with contemptuous characterizations of Arianism delivered in the presence of the Visigothic king, episcopacy, and nobles, an unnamed Nicene bishop explicitly invokes the marriage rite. He withholds sacerdotal confirmation of the desired “marriage” until the written covenant concerning the nature and extent of the expected Gothic submission to the Nicene episcopacy has been subscribed by the male party to the proposed union. This bishop opposes Goths to Romans, Arians to Nicenes, and heresy to orthodoxy in language that expresses the as-yet unconsummated union between the two Christian parties as nothing more than a potentiality requiring further submission and ratification. He offers the Visigothic clergy the spiritual authority that their participation in the catholic faith entails and the teaching authority incumbent in their position as bishops, provided that they

“condemn the putrefaction of the Arian perfidy with all [its] dogmas, rules, offices, communion, and plundered from the contagion of the detestable heresy.”⁴⁶

Free will versus coercion or “force” also appears as an important binary in the Visigoths’ conversion. John of Biclarum relates that in 587 Reccared and his followers had converted “through reason rather than force,” and that “the Arian sects came over, by means of divine grace, to Christian doctrine.”⁴⁷ Gregory of Tours, another contemporary source, describes the conversion of Reccared and the Goths to Nicene catholicism as the scene of a formal disputation (c.586-587) between the Arian and Nicene episcopacies in which the king was won over by the eloquence of an unnamed Nicene bishop, possibly Leander.⁴⁸ The disputation suggests the importance of “reason” in the Goths’ voluntary conversion. Nothing of this disputation appears in the Spanish sources, establishing yet another *lacuna* in terms of confessional conflicts between the Arian and Nicene episcopacies in Visigothic Spain.

The Visigothic Episcopacy’s Abjuration of Faith

Having heard the conditions placed upon them by the Nicene bishops for their acceptance into a marriage covenant with the church, an unnamed episcopal

⁴⁶ CCH V, pp. 76-77, App. A, pp. 331-332: ... *dum patuerit uos tabem perfidiae Arrianae cum omnibus dogmatibus, regulis, officiis, communionibus, codicibus praedamnare et a detestandae haereseos exspoliati contagione* ...

⁴⁷ John of Biclarum, *Chronicon*, a.587 A.D.: *Reccaredus primo Regni sui anno mense X catholicus deo iuvante efficitur et sacerdotes sectae Arrianae sapienti colloquio aggressus ratione potius quam imperio converti ad catholicam fidem facit gentemque omnium Gothorum et Suevorum ad unitatem et pacem revocat Christianiae ecclesiae, sectae Arrianae gratia divina in dogmate veniunt Christiano.*

⁴⁸ Gregory of Tours, *History of the Franks* IX.15.

spokesperson for the Gothic party responds. He affirms the Goths' earlier conversion, which had taken place prior to the council, but had not been wholeheartedly accepted by the Nicene episcopacy. The Goths, in the persons of the king and his bishops, nobles, and *seniores* (military officials), emphasize the freedom of will with which their conversion is being undertaken (*teneamus et liberali fateamur confessione*).⁴⁹ The king's abjuration of Arianism includes a three-fold repetition of the Nicene creed and articles of faith from the fourth- and fifth-century councils of Constantinople (381) and Chalcedon (451), which his followers repeat in their turn.⁵⁰ The Gothic converts also stipulate to a lengthy list of *anathemata* that reject the tenets of the Arian faith, including the derivative natures of the Son and the Holy Spirit, and the Arian practice of rebaptism.⁵¹ While the king's Gothic followers subscribe to the *anathemata*, the king himself does not specifically do so.

A clue to the king's lack of participation in the *anathemata* may be found in what, to him, may have been their personal content. In the text here is one of the only explicit conciliar references to the participation of the royal family in the confessional conflicts of the previous decade. One *anathema* refers to Leovigild's "detestable book" (*libellum detestabilem*), which contained evidence compiled and published (*editum*) by the Arian episcopacy in the 580s of Nicenes who had converted to Arianism and subscribed to the Arian form of the "Gloria."⁵² In their submission of faith, the Visigothic bishops take

⁴⁹ CCH V, p. 78; App. A, p. 332.

⁵⁰ See CCH V, pp. 65-72; App. A, pp. 322-329, for the king's professions of Nicene faith and belief. See CCH V, pp. 88-94, and App. A, pp. 338-342, for those of his Visigothic followers.

⁵¹ CCH V, pp. 77-88; App. A, pp. 332-338.

⁵² CCH V, pp. 82-83; App. A, pp. 334-335.

public responsibility for the Arian form of the “Gloria” and for the subscriptions to it “evilily instituted by us,” and anathematize any of their number who might still possess the book.⁵³ Reccared’s “tome of faith” and the Nicene bishops’ requirement for the converts’ signatures may have been in reaction to Leovigild’s “detestable book” and the late king’s attempts to convert Nicenes to a modified Arianism earlier in the decade.

More ancient recollections of Arian-Nicene conflicts appear in the final anathema, which is reserved for those who failed to “spit out and condemn” (*respuerit et damnauerit*) the doctrines of the fourth-century Arian Council of Rimini.⁵⁴ The demand that the king and bishops repeat and subscribe individually to the creeds of Nicaea (325), Constantinople (381), and Chalcedon (451), as well as the *anathemata* and the reference to the Council of Rimini (359), suggests that the memories of the Nicene bishops, at least, were long. These bishops’ continuing animosity toward Arian “heresy” persists in the conciliar addresses, in the canons, and in the concluding homily, even at the moment in which the marital *concordia* of religious “unity” is ostensibly being consummated.

⁵³ Ibid. *Quicumque libellum detestabilem duodecimo anno Leuigildi regis a nobis editum, in quo continetur Romanorum ad Haeresem Arrianam transductionem et in quo “Gloria Patri per Filium in Spiritu Sancto” male a nobis instituta continetur, hunc libellum si quis pro uero habuerit, anathema in aeternum sit.*

⁵⁴ CCH V, p. 85; App. A, p. 335.

RELIGIOUS CONVERSION AS MARITAL *CONCORDIA*

In numerous addresses, the king employs the notion of a marital *concordia* to express the religious conversion of the Arian Visigoths to the Nicene faith of the Hispano-Roman majority. He also utilizes oppositional masculine and feminine imagery to represent his role as a paternal authority and to enhance his questionable status within his own ruling party, although contemporary extra-conciliar events suggest that his position as ruler was in jeopardy. The Nicene episcopacy presents its own claims to ecclesiastical authority against royal assertions of power in both secular and sacred affairs. The Arian bishops and nobles accede to both the demands of their king and those of their Nicene colleagues. Rhetorical disputes over authority do not end with the addresses, but continue in the canons, as the council attempts to deal with ecclesiastical business, interrupted at various points with royal legislation.

ORTHODOXY AND STATUS IN THE CANONS

The canons reflect conflicts between the married king and the celibate (Nicene) bishops over the nature and boundaries of legitimate authority, as suggested by the similarities between the royal and ecclesiastical agendas. The king's canonical agenda revolves around three issues: submission of ecclesiastical authority to royal power; preservation and enhancement of the royal fisc from ecclesiastical encroachment; and, for

the first time in a Spanish council, the clear demarcation of the Jewish population as political capital subject to royal control. Episcopal authority in ecclesiastical affairs and the preservation of the ecclesiastical patrimony from secular impositions appear foremost on the bishops' agenda. Sexuality and wealth predominate in the council's deliberations, as men dispute power with other men, using an array of binaries to express claims, counter-claims, and negotiations over power and status.

Sexuality and Status

Married Arian Clergy

Reminiscent of canon 33 of the fourth-century Council of Elvira (c.309 A.D), which was repeated at Nicaea (325 A.D.) and the First and Second Councils of Toledo (501 A.D. and 544 A.D),⁵⁵ the Nicene bishops at the Third Council of Toledo are willing to share their spiritual authority only with other celibate clerics. It is worth noting that the Nicene bishops impose this condition on married (formerly) Arian clerics only after their professions of faith and *anathemata* are accepted. At least one of the Nicene bishops present, Leander of Seville, referred to his own sexual shortcomings in his

⁵⁵ Council of Nicaea, canon 3; First Council of Toledo, canon 1; also, Council of Elvira, canon 27; and Second Council of Toledo, canon 3.

treatise on virginity (c.579), aimed at establishing strict boundaries between Arian Visigoths and Hispano-Roman Nicenes on the basis of religious orthodoxy.⁵⁶

At the council of 589, where the religious boundary was ostensibly removed, attempts to restrict the power of married Arian clergy in favor of celibates reflect Leander's earlier attitudes. In the fifth canon, the Nicene bishops target married Arian clerics, who after their conversion are no longer allowed to live with their wives (*uxoribus*) or to have sexual relations (*copulari*) with them.⁵⁷ The canon separates these clerics from their wives under threats of demotion in ecclesiastical rank and the enslavement and sale of the women. In the first canon with explicit penalties attached to it and aimed specifically at the married Visigothic clergy, the Nicene episcopacy stakes its claim to ecclesiastical authority on the basis of clerical celibacy. The binary of purity/pollution appears here in asserting Nicene spiritual authority.

Celibate Women and Marriage

In the tenth canon, the king establishes his counterclaim, affirming that the chastity of celibate women cannot be infringed upon by forced marriages and that such women have the ability to choose husbands of their own free will, even after they have

⁵⁶ Leander of Seville, *De institutione uirginum*, Praefatio 19, p. 104; Barlow, p. 187; *De institutione uirginum*, Praefatio 23, p. 106; Barlow, p. 187; *De institutione uirginum*, Praefatio 29, p. 108; Barlow, p. 189; *De institutione uirginum*, 31-34, pp. 109-110; Barlow, pp. 189-190.

⁵⁷ CCH V, pp. 112-114; App. A, p. 355. On the clergy and the problem of "clerical discipline" in the canons of the Third Council of Toledo, see: Francisco Martín Hernández, "El Clero y el Concilio III de Toledo," in *Concilio III de Toledo: XIV Centenario, 589-1989*, pp. 307-323.

professed continence.⁵⁸ Emphasizing the freedom of will with which widows and virgins should exercise their sexuality, the characteristic of free will, intrinsic to religious conversion and baptism, also applies here to the celibate and married states. The king's canon is the council's first to carry the penalties of excommunication and exclusion from the "entrances" (*liminibus*) of the churches. This is a penalty, however, that only the bishops can impose against the guilty (male) party who attempts to infringe upon the chastity of continent women.⁵⁹ The contested nature of this legislation is suggested by the fact that neither the king, nor the bishops relinquish complete authority over the persons and sexuality of widows and virgins, demonstrating anxiety over females as a reflection of community boundaries that Leander expressed in his treatise on virginity.

Mixed Marriages

Similar contestations of authority appear in legislation treating Jewish marriages in which the binaries of Christian/non-Christian, free/unfree, and public/private appear. In canon 14, the king, with the bishops "subjoining" (*suggerente*), brings the Jewish population under his explicit authority and control. He orders that Jewish men cannot henceforth have Christian women as wives or concubines, or possess Christian slaves.⁶⁰ The penalty for mixed marriages is the forced baptism of offspring, which, by implication, the king orders the clergy to perform. Subsumed in marriage legislation, this

⁵⁸ *CCH V*, pp. 116-117; App. A, p. 355.

⁵⁹ *Ibid.*

⁶⁰ *CCH V*, pp. 120-121; App. A, pp. 356-357.

canon also addresses Jewish property-holding and the public authority of Jewish males. The penalty for Jews holding Christian slaves is the freeing of the slaves without reimbursement to the owners. Jewish males can hold no public office that will permit them to exercise power over or inflict civil penalties on Christians.

This canon targets Jews through marriage and family legislation, property confiscations, and the diminution of Jewish authority in public affairs with the effect that it minimizes the ways in which Jews can henceforth participate in family or business alliances with Christians. Although restrictions on Jewish intermarriage with Christians, circumcision of Christian slaves, and public office holding had been features of Roman law since the fourth century,⁶¹ the penalty of forced baptisms of offspring and the jurisdiction imposed on Jewish property indicate a new stance toward both Jewish men and women in Visigothic legislation. Jewish men are deprived of their public and private authority over family, slaves, and occupation; Jewish women of mixed marriages are deprived of their legal and religious right to raise their children as Jews. The notion that the ruler had the power to order bishops to perform forced baptisms of the children of mixed marriages also constitutes another innovative stance toward the religious authority of the episcopacy.

⁶¹ On these provisions in Roman law of the fourth and fifth centuries, see the still useful discussion in James Parkes, *The Conflict of the Church and the Synagogue: A Study in the Origins of Antisemitism*, London: The Soncino Press, 1934, pp. 199-226; for a discussion of Visigothic anti-Jewish legislation, including the sixth-century Breviary of Alaric, see pp. 347-370 of the same volume.

Lay Marriage, Sexuality, and Abortion

Following the king's anti-Jewish legislation, the bishops address the sexuality of the married laity as a whole. They condemn the practice of abortion by married couples, endorsing Augustine's view that the purpose of marriage was the propagation of offspring.⁶² The king associates himself in this, the council's seventeenth canon, by commanding the magistrates to punish the offense with the assistance of a priest. The bishops, however, restrict the priest's participation to seeking out the "crime" (*scelus*), not permitting the cleric to mete out "capital punishment" (*capitali uindicta*). The canon does not specify a penalty for those married persons convicted of aborting their unborn children, except that of "the sharpest discipline," an ambiguous term. This canon appears to have been a joint statement by the bishops and the king on the "libidinous" (*libidinose*) sexuality of married persons, but as a piece of either ecclesiastical or civil legislation, it lacks both conviction and specific punitive measures. The language of the canon suggests that abortion was not a matter of the utmost concern, either to the bishops or to the king, but served as a platform for further disputes over authority with regard to the married laity.⁶³

In these canons in which the sexuality of the clergy and laity was at issue, king and bishops disputed the boundaries of legitimate power, with the result that the Jewish population became an increasingly visible legislative target in conflicts between two

⁶² *CCH V*, pp. 123-124; App. A, pp. 357-358.

⁶³ On the laity in the canons of the Third Council of Toledo, see: Domingo Ramos-Lissón, "Los laicos y el III Concilio de Toledo," in *Concilio III de Toledo: XIV Centenario, 589-1989*, pp. 343-356.

opposing Christian factions, displacing the pagan population. The marital rhetoric and gendered imagery utilized by both Gothic and Hispano-Roman Catholics gained significance as the contest for dominance was waged over the bodies of constituencies as varied in legal and sexual status as clergy and their families, Christian women vowed to continence, Christian laymen, Jewish males, children of mixed marriages, and slaves. The repeated use of binaries not only implies opposition, but functions to signify disputed claims. With these binaries the conflicting claims of king and bishops to royal property and ecclesiastical patrimony suggest that wealth and the power and status that depended on it were primarily at issue. This conclusion is also supported by the king's anti-Jewish legislation in which fines and confiscations accrued to the royal fisc. In the following sub-section, other disputes over wealth surface between the Visigothic king and the Nicene episcopacy.

Wealth and Status

In their fifth-century chronicles, the Hispano-Romans Orosius and Hydatius described Gothic rapacity, also a theme of Isidore of Seville's seventh-century *History of the Goths*. Modern numismatic historians have shown that Visigothic kings in Spain maintained close control over the numerous royal mints throughout the peninsula. Such close control suggests that wealth was an important component of royal authority and a

primary concern of the Visigothic monarchy.⁶⁴ Regal coinage did not make an appearance in the Spanish Visigothic kingdom until the reign of Leovigild in the 580s. Gold coins were minted in about seventy different locations in the peninsula. This gold coinage was initially of reasonably high quality, although it declined steadily in gold content during the next century, until the end of the Gothic monarchy.⁶⁵

After the initiation of royal coinage during Leovigild's reign, minting rights remained the sole prerogative of the Visigothic crown, and were never relinquished to bishops or abbots, as was the case in Merovingian Gaul.⁶⁶ Gothic rulers' concern for wealth conflicted with the patrimonial claims of the church, as accounts of events preceding the Third Council of Toledo in 589 demonstrate. The anonymous chronicler of the *Lives of the Fathers of Merida* notes that Leovigild attempted to claim the relics of St. Eulalia of Merida in the possession of the Nicene bishop of Merida and his church, without success.⁶⁷ John of Biclarum further recounts that Leovigild's son and successor, Reccared, established himself as a patron of churches and monasteries after his conversion in 587.⁶⁸

⁶⁴ Philip Grierson and Mark Blackburn, *Medieval European Coinage I: The Early Middle Ages (5th-10th centuries)*, Cambridge: Cambridge University Press, 1986, pp. 39-54. On the topic of Visigothic coinage in Spain, see also: Peter Spufford, *Money and Its Use in Medieval Europe*, Cambridge: Cambridge University Press, 1988, pp. 7-108.

⁶⁵ Philip Grierson and Mark Blackburn, *Medieval European Coinage I: The Early Middle Ages (5th-10th centuries)*, pp. 49-54.

⁶⁶ Philip Grierson, *The Coins of Medieval Europe*, London: Seaby, 1991, pp. 22-26.

⁶⁷ See: *Lives of the Visigothic Fathers*, pp. 84-86.

⁶⁸ John of Biclarum, *Chronicon*, a.587: ... *ecclesiarum et Monasteriorum conditor et ditator efficitur*.

Royal Fisc and Ecclesiastical Patrimony

In the third and fourth canons, proprietary rights to church property are explicitly reserved to the episcopacy, probably reflecting the crown's secular claims to ecclesiastical property.⁶⁹ While no penalty attaches to these two canons, they are overt responses to assertions of royal authority over episcopal prerogatives. In canons 6 and 9, the issue of ecclesiastical property arises again, as formerly Arian churches are explicitly subsumed under Nicene episcopal authority, suggesting an attempt to address property disputes at the local level.⁷⁰ Although no penalty is imposed for these infractions, the measures against the patrimony of the Arian church are related to measures against the wives and female relatives of formerly Arian clerics, as Nicene bishops assert their rights over both.

In a counterclaim to the episcopacy, canon 8, the king's first piece of legislation, prohibits the recruitment of clerics from among the slaves of the royal fisc, preserving an important aspect of the royal patrimony from ecclesiastical poaching, but offers no penalty.⁷¹ Canon 15, however, stipulates that church buildings constructed by slaves of the royal fisc, a type of royal patronage that John of Biclarum implied concerning Reccared, should be confirmed as ecclesiastical, rather than royal, property.⁷² Canon 19 repeats the episcopal injunction against private ownership of churches, which functions "so that their church's wealth, which they [laypersons] have brought together, they

⁶⁹ *CCH V*, pp. 111-112; *App. A*, pp. 352-353.

⁷⁰ *CCH V*, pp. 114 and 116; *App. A*, p. 354.

⁷¹ *CCH V*, p. 115; *App. A*, p. 354.

⁷² John of Biclarum, *Chronicon*, a.590. *CCH V*, p. 121; *App. A*, p. 357.

[laypersons] may count not to belong to the bishop at [his] consecration” (*ut dotem quam eius ecclesiae contulerint, censeant ad episcopi ordinationem non pertinere*).⁷³ This canon refers to the churches’ wealth as a dowry (*dotem*),⁷⁴ a type of conjugal gift that once given was assumed under Roman law to be the sole property of the female party, although it might be managed by male relatives of a woman’s own family or by her husband. Here disputes between bishops and king over ecclesiastical wealth are framed using the legal language of marital property to assert rights without stipulating penalties, which the episcopacy was apparently in no position to assert against royal infringements of the ecclesiastical patrimony.

Ecclesiastical property disputes at the local level are a prevalent theme of the conciliar *acta*, a theme that recurs in canon 20, reflecting perhaps once again, the conflicts at Merida during the reign of Leovigild between Sunna, the city’s Arian bishop, and Masona, the local Nicene bishop.⁷⁵ This canon appears to be directed at episcopal abuses, since the target of this decision is bishops who impose excessive financial “hardships” (*angariis*) or “burdens” (*indictionibus*) on the clergy of their dioceses.⁷⁶ The sense of this canon is that the bishops are speaking to their episcopal colleagues in condemning such practices, “lest we in the church of God be seen as tax collectors rather

⁷³ CCH V, p. 127; App. A, p. 359.

⁷⁴ Isidore of Seville, *Etymologies* V.xxiv.xxv-xxvi: “A donation is a settlement of any sort of property. And people say it is called donation (*donatio*) as if the word were ‘presentation of a gift’ (*doni actio*), and dowry (*dos*, acc. *dotem*) as if it were ‘I give likewise’ (*do item*) – for after the donation has taken place at the wedding, the dowry follows. Indeed, there was an ancient ceremony of marriage, in which the husband and wife purchased each other, so that it did not seem that the wife was a handmaid, as we hold legally. Thence it is that after the donation of the husband takes place, the dowry of the wife follows.” *The Etymologies of Isidore of Seville*, transl. Stephen A. Barney, *et al.*, Cambridge: Cambridge University Press, 2006, 2007, p. 120.

⁷⁵ *Lives of the Visigothic Fathers*, pp. 77-93.

⁷⁶ CCH V, pp. 127-129; App. A, pp. 359-360.

than spoken of as high priests of God.”⁷⁷ Under the circumstances, it is likely that Nicene bishops are addressing Visigothic bishops who imposed undue demands on the local clergy, but no penalty attaches here. A different tone enters canon 21 in which exactions of labor from servants of the church by local secular authorities is the subject.⁷⁸ In this canon the council asks the king to prevent these practices, and, significantly, appends the penalty of excommunication to the request.

Although in the first five canonical decisions,⁷⁹ the Nicene bishops address matters pertaining to the influx of formerly Arian clergy into the ecclesiastical hierarchy, reinstituting the lost “discipline” (*disciplina*) of the church, attributed to Arians, and restricting ecclesiastical office to those worthy of it, the bishops’ attention quickly turns to fiscal affairs. Wealth is a primary point of conflict between contemporary bishops and rulers, as Leander’s treatise on virginity indicates. In Leander’s treatise, wealth stands for the ills associated with secular power, but also signals the sacrosanct nature of the ecclesiastical patrimony.⁸⁰ This theme recurs with increasing frequency and intensity in the homily delivered by Leander at the close of the council. The next sub-section will examine this homily for evidence of the marital rhetoric and gendered imagery that signaled conflict, rather than *concordia* between opposing Visigothic and Hispano-Roman parties.

⁷⁷ Ibid: ... *ne uideamur in ecclesia Dei exactores potius quam Dei pontifices nominari.*

⁷⁸ CCH V, pp. 129-130; App. A, p. 360.

⁷⁹ CCH V, pp. 108-114; App. A, pp. 351-353.

⁸⁰ On the importance of ecclesiastical patrimony in the canons of the Third Council of Toledo, see: Gonzalo Martínez Díez, S.I., “Cánones patrimoniales del Concilio de Toledo de 589,” in *Concilio III de Toledo: XIV Centenario, 589-1989*, pp. 565-579.

ORTHODOXY AND STATUS IN LEANDER'S HOMILY, *DE LAUDE ECCLESIAE*

According to John of Biclarum, the most important conciliar business was in the hands of Bishop Leander of Seville and an abbot, Eutropius.⁸¹ Although Eutropius' precise contributions are uncertain, Leander of Seville was probably instrumental in formulating the council's agenda, and it was he who preached the closing homily to the assembly. Employing scriptural metaphors of marriage and fecundity to represent the contested categories of sexuality and wealth, the homily referred to by modern scholars as *De laude ecclesiae* describes the conversion as a new relationship between conqueror and conquered. The homily has been the object of at least one lexical study, and essays celebrating the fourteenth centenary of the Third Council of Toledo indicate Leander's reliance on scriptural metaphors, as well as on patristic antecedents.⁸² To date, little attention has been given to the oppositional binaries that Leander employs, or to the message that his use of marital rhetoric and gendered imagery common to fourth-century anti-Arian polemic conveys concerning the new-found religious "unity" of the Visigothic kingdom.

⁸¹ John of Biclarum, *Chronicon*, a.590.

⁸² Antonio Gómez Cabo, *La «Homelia in laude Ecclesiae» de Leandro de Sevilla: Estudio y valoración*, Publicaciones Instituto Teológico Franciscano, Series Mayor – 28, Murcia: Editorial Espigas, 1999. For centenary essays celebrating the Third Council of Toledo that focus on Leander's homily see, for example: Jacques Fontaine, "La homilía de San Leandro ante el Concilio III de Toledo: temática y forma," in *Concilio III de Toledo : XIV Centenario, 589-1989*, pp. 249-261, which draws parallels between Leander's *De institutione virginum* and the homily, but characterizes Leander's purpose in the homily as conciliatory. For an emphasis on diversity in the homily that stresses scriptural and patristic sources, see: Alberto Ferreiro, "*Linguarum Diversitate*: Babel and Pentecost in Leander's Homily at the Third Council of Toledo," in the same volume, pp. 237-248. For a useful essay on the transmission of "orthodox" Nicene authorities and their scriptural proof-texts, see also in this same volume, Eugenio Romero-Pose, "Trasfondo teológico del III Concilio de Toledo," pp. 357-374. None of these three essays reads the conciliar text, including Leander's homily, for the marital rhetoric and gendered imagery of late antiquity as evidence of conflicts over authority.

Orthodoxy as *Mater Ecclesia*

Although Leander claims the occasion of the Visigothic Arians' conversion as a joyful one in the homily, he does not allow the church's past trials to be forgotten in the celebration. Using language reminiscent of Reccared's earlier addresses concerning a Gothic people "made firm" in the church, Leander directs his comments to the Nicene bishops. "[W]e should all be raised up (*eleuamur*, lit. "made erect")" in joy by the Arian repentance, though which "the church is considered to have given birth to new peoples in repent."⁸³ Invoking maternal imagery also reminiscent of Reccared's description of a Gothic people nurtured at the ecclesial breast, Leander describes the church as having given birth in oppression with "groans" (*gemitibus*) and "tribulation" (*tribulatione*), and refers to the conversion event as one foreshadowed by Old Testament prophecy: "In tribulation thou hast enlarged me" (*in tribulatione dilatasti me*).⁸⁴

In another Old Testament reference, this time from Genesis, Leander compares the Nicene church to Sarah, whose beauty and purity were the desire of Egyptian kings and enriched Abraham.⁸⁵ Similarly, he describes the church as having brought a new wealth of kings, namely the Visigothic Arians, to her divine Spouse, who is Christ. The church, "while preyed upon and bitten by the teeth of Arian spite, has been educated; while hostilely pursued, she has been made great; and with her patience she has either

⁸³ CCH V, p. 149; App. A, p. 371: *Pro qua re et nos ideo maioribus gaudiis eleuamur, quia repente nouos ecclesiam parturisse populos intuemur ...*

⁸⁴ CCH V, p. 149; App. A, p. 371. Psalms 4:2.

⁸⁵ CCH V, pp. 149-150; App. A, pp. 371-372. For the scriptural reference, see Genesis 12:10-20 and 20:11-18.

overcome or won over her emulators,”⁸⁶ thereby, returning riches to her Spouse on “the pretext that he felt himself offended” (*per quam se inquietari persenserit*).⁸⁷ This rhetoric employs language similar to that of Reccared’s opening address, wherein he described the Goths as a pleasing sacrifice consisting of “Dominical riches” (*lucris ... Dominicis*).⁸⁸ Here, Leander re-appropriates the king’s rhetoric for his own purposes to portray the church as a feminine entity, in which not Gothic authority, but that of her Hispano-Roman bishops, is established.

Orthodoxy as Christian Daughter and Bride of Christ

In further praise of the new wealth of the church and her heavenly Spouse that contrasts a new patrimony with former impoverishment, Leander draws on Proverbs saying, “Many daughters have gathered riches, but you have exceeded them all,”⁸⁹ and from the Song of Songs: “As a lily among the thorns, so is my beloved among daughters.”⁹⁰ In his polemical interpretation of these two passages, using the fourth-century political discourse of the Song of Songs and exemplifying Nicene exegetical practice, Leander describes orthodoxy and heresy as daughters of Christ, opposing the

⁸⁶ CCH V, p. 150; App. A, p. 372 : *Sic enim, dum ex initio lacessitur uel inuidantium dentibus morditur, dum premitur eruditur, et dum insectatur dilatatur, quoniam patientia sua aemulatores suos aut superat aut lucrat.*

⁸⁷ Ibid.

⁸⁸ CCH V, p.58, App. A, pp. 321-322. *Proinde, sanctissimi patres, has nobilissimas gentes quae lucris per nos Dominicis applicatae sunt, quasi sanctum et placabile sacrificium per uestras manus aeterno Deo offero.*

⁸⁹ CCH V, pp. 150-151; App. A, p. 372. The scriptural reference is to Proverbs 31:29.

⁹⁰ CCH V, p. 149; App. A, pp. 372-373. Song of Songs 2:2.

two as lilies to thorns, respectively. Intending the “lily” to signify the Nicene church as orthodox and the thorns to signify the Arian faith as heretical, Leander repeats the sorts of binary images utilized in his polemical treatise on virginity,⁹¹ which was directed at establishing distinctions and boundaries between Nicene and Arian Christians.

Despite the Goths’ conversion, Leander remains intent on revisiting the religious disputes of the recent past. He draws on Christian polemical strategies from the heresiological literature of late antiquity to do so. Moving from a discussion of lilies and thorns, Leander opposes the heretical woman - a threatening image of promiscuity and pollution in his treatise on virginity - to the purity of the orthodox female virgin.⁹²

Thus lest is shall have seemed a great thing to you that I call the heresies daughters, forthwith he [Solomon] designates them to be thorns: heresies, I say, whether they are discovered to be twisted in some other corner of the world or in one nation; indeed, the catholic church, as it is extended throughout the whole world, is thus determined by the association of all nations.⁹³

Employing feminine imagery as he did in his treatise to contrast Nicene “orthodoxy” to Arian “heresy,” Leander represents heresy, not only as a sharp and dangerous “thorn,” but as a Christian daughter, who competes with her wiles for the affection that rightfully

⁹¹ *De institutione virginum*, XXXI.6-7, pp. 172-173; Barlow, pp. 226-227: “Behold, sister Florentina, how I tremble and show sorrow lest the serpent remove you from paradise and set you in that land which produces thorns and thistles, from which you would not be allowed once again to stretch forth your hand and to take and eat from the tree of life if you should desire to do so.” Leander’s references in his treatise and homily to “thorns and thistles” were consistent with Nicene heresiological rhetoric of the late fourth century.

⁹² Virginia Burrus, “The Heretical Woman as Symbol in Alexander, Athanasius, Epiphanius, and Jerome,” *Harvard Theological Review* 84:3 (1991) 229-48, examines the development of the figure of the heretical woman in patristic literature and how the figure functioned in the fourth-century polemical debates between rival claimants to Christian “orthodoxy.”

⁹³ *CCH* V, pp. 150-151; App. A, p. 372: *Ergo ne magnum uobis uideretur quod haereses dixerim filias, continuo eas nominat esse spinas: haereses, inquam, aut in aliquem angulum mundi aut in unam gentem inueniuntur uersari; ecclesia uero catholica, sicut per totum mundum tenditur, ita et omnium gentium societate constituitur.*

exists between the Nicene church and her Spouse. In doing so, he sets up a triune relationship with Arianism as the heretical female interloper into the domestic harmony of Christian society: “Thus rightly heresies which lie hidden in caves, gather together riches on their own behalf; however, the catholic church given in marriage as a mirror of the whole world bypasses them all.”⁹⁴

Orthodoxy, Progeny, and Patrimony

The Spanish Nicene bishops’ dispute with formerly Arian Visigoths over ecclesiastical patrimony is prominent in the conciliar text, as numerous references to “riches” (*divitiae*) demonstrate. In the homily, Leander’s assurance is to his colleagues in the Nicene episcopacy, not to the Arian newcomers, that the church’s rightful wealth will be enhanced by the conversion. He refers to the former plundering of the Nicene church, using marital imagery to evoke one of the primary themes of his treatise, a concern with wealth and greed as indications of improper secular rule. “So great in fact is your Spouse, by whose command you have ruled, that as long as He suffers you to be plundered to a moderate degree, [thus] again He leads you back to your prey and He hunts down your enemies for you.”⁹⁵

⁹⁴ CCH V, p. 151; App. A, p. 373: *Recte ergo haereses in cauernis quibus latent, congregant ex parte diuitias ; ecclesia autem catholica in speculo totius mundi locata praetergreditur uniuersas.*

⁹⁵ CCH V, p. 151; App. A, p. 373: *Tantus denique est sponsus tuus, cuius imperio regeris, ut dum te patiatur depraedari ad modicum, rursum et praedam tuam ad te reducat et hostes tuos tibi conquirit.*

The bitterness of Leander's tone is exceeded only by his note of triumph over Gothic "oppression," but both resound throughout the homily to recall the religio-political conflicts of Leovigild's reign. Leander reminds his Nicene episcopal audience that the victory of the Goths' conversion is theirs by contrasting their former grief with their present rejoicing: "Thus exult and be joyful, church of God, ... array with fortitude and celebrate with exultation, because your griefs have changed into joy, and a sad dress has changed into a cloak of happiness."⁹⁶ The new offspring of Mother Church are the Goths, characterized by Leander as children born of maternal devotion to a divine Spouse.

The Goths in this explication are not the triumphant spouse of the church, as Reccared characterized them, but the great gains of the beleaguered *genetrix*, who brings them forth in tribulation and pain. Joy (*gaudium*), exultation (*exultatio*), and the right to rejoice (*laetare*) thus belong, not to the children spawned, but to *mater ecclesia*. It is her Spouse who, like Abraham with Sarah, permits her to be coveted by kings in order to enrich Himself through her. This is another re-appropriation of Reccared's offer of the Goths as "riches" (*divitiae*) to the Nicene church.

Invoking once again the imagery of the Song of Songs,⁹⁷ Leander addresses his political discourse to the Nicene bishops in language that expresses the exclusive bond between the church and her Bridegroom. His use of binaries denotes a stark change, a

⁹⁶ Ibid. *Exsulta ergo et laetare, ecclesia Dei ... induere fortitudine et iubila exultatione, quoniam tui maerores in gaudio sunt mutati, et triste habitum in amictum laetitiae uersum est.*

⁹⁷ Compare Song of Songs 2:11-13, "[F]or now the winter is past, the rain is over and gone. The flowers appear on the earth; the time of singing has come, and the voice of the turtle-dove is heard in our land. The fig tree puts forth its figs, and the vines are in blossom; they give forth fragrance." (NRSV)

newness that is represented by barrenness/conception, winter/spring, sorrow/rejoicing, and longing/fulfillment. This passage also recalls Leander's advice to Florentina in his treatise on virginity, that if she remains a virgin, she will not be cheated in her inheritance, which is her heavenly Bridegroom.⁹⁸

Rejoice thus in the Lord because you were not cheated in your longing for him, since now after such a long time with groans and continuous prayer you have conceived, now after the ice of winter, after the harshness of the cold, after the severity of the snow, like the pleasant fruit of the fields and the joyful flowers of springtime or the pleasing branches from trunks of the vines, suddenly you have given birth in joy.⁹⁹

The repetition of themes from Leander's treatise suggests that he used the homily as an opportunity to express in an open forum attitudes that he previously found it necessary to encode with layers of scriptural and patristic references in a letter ostensibly addressed to his sister. His invocation of terms used by Reccared in the king's numerous addresses indicates the politically disputed nature of the marital rhetoric and gendered imagery of late antiquity. In the conciliar text, the religious conflicts of the 580s found public expression in Leander's polemic, elaborated, but not softened, by marital rhetoric and gendered imagery. With it, open conflicts over public authority between the Visigothic ruling minority and the Hispano-Nicene majority appear.

⁹⁸ Leander of Seville, *De institutione virginum*, Praefatio 14, p. 103; Barlow, pp. 185-186.

⁹⁹ CCH V, p. 153; App. A, p. 374: *Laetare ergo in Domino eo quod non sis fraudata desiderio tuo, nam quos tanto tempore gemitu teste et oratione continua concepisti, nunc post glacies hiemis, post duritiam frigoris, post austeritatem niuis, uelut iucunditatem agrorum frugem et laetos uerni flores uel arridentes uinearum stipitibus palmites, repente in gaudio peperisti.*

“Other Sheep”

In their self-styling, both parties present themselves as victors in the religious conversion of 589, implying that neither are so. In his homily, Leander clearly differentiates between the two Christian parties, addressing his Nicene colleagues as “brothers” (*fratres*),¹⁰⁰ and the people over whom they are rejoicing. He describes the new converts as “other sheep” (*alias oues*) newly brought into the fold, a “barbarian nation” (*gens barbara*), and an “inheritance and possession” (*hereditatem tuam et possessionem tuam*).¹⁰¹ That it is the heavenly kingdom, represented by the Nicene church, which has triumphed in the conversion is explicit, as is Leander’s assertion of the supremacy of ecclesiastical over secular authority. With quotations from Isaiah prophesying that earthly kings will bow to the heavenly one,¹⁰² Leander implies a threat to those rulers who fail to do so: “For the nation and kingdom that shall not serve thee, shall perish.”¹⁰³ This language emphasizes the questionable nature of Visigothic rule and foreshadows Isidore’s repetition of that theme in the *History of the Goths*.

¹⁰⁰ *CCH* V, pp. 153-154; App. A, p. 375.

¹⁰¹ *Ibid.*

¹⁰² *CCH* V, p. 156; App. A, p. 377. Isaiah 60:1-4, 60:10, and 60:12.

¹⁰³ *CCH* V, p. 156; App. A, p. 377. Isaiah 55:5.

The Heretical “Other” Woman

Christian heretics are not only doubtful sources of secular authority, but, represented by the figure of the heretical woman,¹⁰⁴ are also intruders into the indissoluble marriage bond between the church and her Spouse, a motif that Leander repeats once again. In this mystical union, Christ is the head, and the church the body. Using scriptural references from Genesis, “they shall be two in one flesh,”¹⁰⁵ and Paul’s preaching “concerning Christ and the church,”¹⁰⁶ Leander expresses categories of authority that are rendered metaphorically, but have more practical applications as well. Lest Leander’s listeners should mistake his metaphorical depiction of the church as the proper source of legitimate authority, he further explains the relative positions of heresy and orthodoxy, the warring *sponsae Dei*, toward one another in relation to the Bridegroom.¹⁰⁷

Heresy, which rejects the unity of the catholic church because it loves Christ with an adulterine love, holds the place not of a wife but of a concubine, about which in fact Scripture says the two are to be one in the flesh, if you please Christ and the church, and into which place no prostitute shall come as a third. ‘For my dove is one, says Christ, one is my beloved, she is the one daughter of her mother.’ Likewise concerning which the same church proclaims saying: ‘I am my beloved’s and my beloved is mine.’¹⁰⁸

¹⁰⁴ Virginia Burrus, “The Heretical Woman as Symbol,” pp. 236 ff.

¹⁰⁵ CCH V, p. 156; App. A, p. 377. Genesis 2:24.

¹⁰⁶ CCH V, p. 157; App. A, p. 377. Ephesians 5:31.

¹⁰⁷ I previously presented a portion of this discussion in a paper entitled, “Leander of Seville and the *Sponsae Dei*,” at the annual meeting of the Texas Medieval Association, Austin, Texas, October, 2009.

¹⁰⁸ CCH V, p. 156; App. A, pp. 377-378: *Haereses enim quae respuit catholicae ecclesiae unitatem, eo quod adulterino amore diligit Christum, non uxoris, sed concubinae obtinet locum, quoniam re uera duos dicit scriptura esse in carne una, uidelicet Christum et ecclesiam, quo locum meretrix nullum inuenit tertia. «Una est enim, ait Christus, amica mea, una est sponse mea, una est genetricis suae filia.» De quo item eadem ecclesia pronuntiat dicens: «Ego dilecto meo et dilectus meus mihi.»* Quotations in the passage refer to Song of Songs 6:8 and 6:2, respectively.

The marriage between the church and Christ is an exclusive marital relationship, not only indissoluble, as Augustine described the human conjugal relationship, but permitting no interference. Leander refers to the Song of Songs, an important passage in fourth-century anti-Arian heresiology, to represent Nicene orthodoxy as “the one daughter of her mother,” the church. He employs the imagery of orthodoxy as a wife in contrast to heresy (*haeresis*) as a concubine (*concubina*) and a prostitute (*meretrix*) in order to slander his male opponents.¹⁰⁹

Orthodoxy and the Inversion of Dominance

Moving from these exegetical passages concerning the love between Christ and the church, Leander segues into his most caustic sexual allusions thus far in order to signify the gendered inversion by which the formerly powerless now style themselves as *potentes*. In his last reference to the difficulties borne by the Nicene church in Spain, Leander addresses the assembly of royalty, nobles, and priests saying: “Now let the heresies seek something to satiate their lust or provide a brothel, because they have withdrawn from the immaculate bed of Christ ...”¹¹⁰ Although harshly used, he concludes that the church has triumphed in a country and among people long divided: “For the wall of discord, which the devil has fabricated, the peace of Christ has

¹⁰⁹ Virginia Burrus, “The Heretical Woman as Symbol,” pp. 236, 240-241.

¹¹⁰ *CCH* V, pp. 157-158; App. A, p. 378: *Quaerant nunc haereses a quo construprentur uel cuius sint prostibulum factae, quoniam ab immaculato toro recesserunt Christi ...*

destroyed, and since the house has contended with division in mutual slaughter, now it is conjoined to Christ the cornerstone.”¹¹¹

With this closing, Leander’s homily reemphasizes the domestic imagery of the conciliar *acta*. In the homily, metaphorical references to wives, daughters, concubines, virgins, and prostitutes confirm confessional conflicts and disputes over rights to public authority with heresiological polemic similar to that contained in his treatise on virginity. Far from depicting the unification of the kingdom under the canopy of Roman Catholicism, the homily demonstrates the fractured nature of religious “unity.”

CONFLICT AND CLAIMS TO AUTHORITY

At the Third Council of Toledo, the two spheres of authority - secular and ecclesiastical – claim, counterclaim, and negotiate disputes. Matters probably already agreed upon, such as the celibacy of formerly Arian clergy members, are decided at the outset. Royal jurisdiction over forced baptisms and property concerns occur later in the conciliar agenda. Penalties of excommunication are the only explicit punitive measures assigned by the bishops, other than those threatened against formerly Arian clergy and their wives in canon 5. In canonical disputes over royal infringements on ecclesiastical patrimony, penalties are notably absent. The king levies his only fiscal penalties on the

¹¹¹ CCH V, p. 158; App. A, p. 378: *Parietem enim discordiae, quem fabricauerat diabolus, pax Christi destruxit, et domus quae diuisione in mutuam certabat caedem, uno iam Christo lapide angulari coniungitur.*

Jewish community, against which he imposes fines and confiscations of property for the benefit of the royal treasury. A similar penalty is exacted by the Nicene bishops against the wives or concubines of married Arian clergy. The vehemence of the anti-Jewish and anti-Arian legislation belies the emotional charge that these matters held for their royal and episcopal sponsors, respectively.

In the addresses, canons, and homily of the Third Council of Toledo, marital rhetoric and gendered imagery enable men express conflicts with other men. In various addresses to the council, a secular ruler utilizes the Christian political rhetoric of late antiquity, long dominated by Nicene authors, in order to establish royal power over secular and ecclesiastical spheres of authority. In the canons, the serious and perhaps unforeseen legislative consequences of this rhetoric surface, particularly in connection with the newly-converted king's anti-Jewish legislation.

Although women appear as objects of the canonical legislation, the largest population against which penalties are levied is male: Arian clergy, men who force marriage on Christian widows or virgins, and presumably male laypersons who levy labor from ecclesiastical personnel. These penalties suggest that women were the means to attack other men, but that wealth and status were the true objects of the attack. The same conclusion appears in connection with canon 14 against the Jewish population, where the king imposes his only explicit penalties, stipulating forced baptism for the children of mixed marriages and freeing the Christian slaves of Jewish owners without compensation to the latter.

In the council's closing homily, Leander of Seville re-appropriates from the king the polemical stratagems of his own patristic models. He does so in order to express his personal views on the relative position of the newly converted Visigothic ruling minority class to the Hispano-Roman (Christian) majority. In this homilectic appraisal of Gothic conversion from Arianism to Nicene Catholicism, the contemporary Jewish community does not appear explicitly. This suggests that Leander's concerns, like his fourth-century predecessors, were focused on conflicting claims to orthodoxy and status between the kingdom's Christian communities. At the Third Council of Toledo, "orthodoxy" is intended to convey status and wealth, matters which appear at the Fourth Council of Toledo as continuing sources of religio-political conflicts. The next chapter will address those conflicts.

CHAPTER SIX

THE FOURTH COUNCIL OF TOLEDO

The text of the Fourth Council of Toledo contains less ancient marital rhetoric than that of the Third Council of Toledo, but suggests greater consequences of that rhetoric for relationships within and between the peninsula's Christian and Jewish communities. Ongoing disputes over ecclesiastical practices and patrimonies at the council of 633 indicate that the Christian religious unification of 589 did not establish Arian submission to the Nicene episcopacy. In this later council, bishops and rulers also dispute rights to authority over the Jewish community, which forced conversions by the Visigothic king, Sisebut (610-621), attempted to place under Christian secular control. While the gendered imagery of late antiquity was more prevalent at the Third Council of Toledo than at the Fourth, the theme of unification as a marital conjoining appears in both councils to signal conflicts over power between opposing parties with disparate interests.

ISIDORE OF SEVILLE AND THE FOURTH COUNCIL OF TOLEDO

In the prevailing historiographical view, the Fourth Council of Toledo in 633 attempted a political unification that, like the religious unification of 589, was necessary for the establishment of stable rule and a peaceful kingdom.¹ Between the Third and Fourth Councils of Toledo, regicide continued among aspirants for the Visigothic throne. After the expulsion of the Byzantines from the peninsula during the reign of Swintila, a climate of uncertainty prevailed that geographical unification did little to alleviate. During that period, Isidore penned the two versions of his *History of the Goths*, expressing the doubtful nature of Visigothic rule, as well as a polemical defense of Nicene dogma and exegesis, *De fide catholica contra judaeos* (*On the catholic faith against the Jews*).² The latter, part of a long tradition of *Adversus judaeos* literature in Christian polemic, was dedicated to his sister, Florentina. Like Leander's treatise on virginity, Florentina constituted neither the real addressee, nor the real audience of the *De fide catholica*, which was an *apologia* of Nicene Christianity.

¹ For example, Joseph F. O'Callaghan, *A History of Medieval Spain*, Ithaca and London: Cornell University Press, 1975, pp. 46-48, still a classic textbook for medieval Spanish history in English; E. A. Thompson, *The Goths in Spain*, Oxford: The Clarendon Press, 1969, pp. 154-169; Roger Collins, *Early Medieval Spain: Unity in Diversity, 400-1000, New Studies in Medieval History*, 2nd ed., New York: St. Martin's Press, 1995, pp. 32-57; and, with greater reservations, Roger Collins, *Visigothic Spain, 409-711*, Oxford: Blackwell Publishing, 2004, pp. 64-91.

² Isidore of Seville, *De fide catholica contra judaeos*. The first and longer of the two books of Isidore's *De fide catholica* has been translated by Kirk Mims Summers, *St. Isidore of Seville's 'De Fide Catholica ex Veteri et Novo Testamento Contra Iudaeos': Translation and Sources*, M.A. Thesis, Lincoln, Nebraska: University of Nebraska, 1988. For a compilation of Christian *Adversus judaeos* literature in late antiquity, see: A. Lukyn Williams, *Adversus Iudaeos: A Bird's Eye View of Christian Apologiae until the Renaissance*, Cambridge: Cambridge University Press, 1935.

At this time, Isidore also wrote a treatise on ecclesiastical offices, *De ecclesiasticis officiis*,³ and a book of *Sentences*, elucidating, among other things, his theology of kingship.⁴ In 633, almost a decade after he wrote the *History of the Goths* conveying his ambivalence concerning the legitimacy of Visigothic rule and depicting the questionable union of *Mater Spania* with her Visigothic conquerors, Isidore of Seville presided over the Fourth Council of Toledo. The Third Council of Toledo specified that councils were to be held annually, but canon 18 of that council bore Reccared's *imprimatur* and assured by royal decree that future councils would no longer be solely ecclesiastical in nature.⁵ Royal control of councils can be seen in the fact that forty-four years elapsed between the Third and Fourth Councils of Toledo, although Isidore of Seville had presided over a provincial council held in Baetica in 619.⁶

The reigning king, Sisenand (631-636), was present at the Fourth Council of Toledo. He did not attempt to preside over it as Reccared had the previous national council, nor did he enter it with fanfare. Instead, Sisenand prostrated himself before the

³ *De ecclesiasticis officiis*, ed. Christopher M. Lawson, *Sancti Isidori Episcopi Hispalensis, Corpus Christianorum, Series Latina, CXIII*, Turnholt: Brepols, 1989. For a recent English translation, see: *Isidore of Seville: De ecclesiasticis officiis*, ed. and transl. Thomas L. Knoebel, *Ancient Christian Writers, The Works of the Fathers in Translation No. 61*, New York and Mahwah, N.J.: The Newman Press, 2008. Translations from the Latin edition herein are mine.

⁴ *Isidorus Hispalensis, Sententiae*, ed. Pierre Cazier, *Sancti Isidori Episcopi Hispalensis, Corpus Christianorum, Series Latina CXI*, Turnholt: Brepols, 1998. Translations are mine.

⁵ Third Council of Toledo, canon 18.

⁶ II Council of Seville. Rachel Stocking suggests that the Fourth Council of Toledo was delayed by the Visigothic king Sisenand a number of times before being held in 633; Rachel L. Stocking, *Bishops, Councils, and Consensus in the Visigothic Kingdom, 589-633*, pp. 148-149.

bishops. He implored their intervention with God on his behalf, indicating his submission to the church's representatives in a public assembly.⁷

As Isidore's *History of the Goths* relates, Sisenand overthrew his predecessor, Swintila (621-631), in order to obtain the Visigothic throne.⁸ In the *History*, Isidore praised Swintila for expelling the Byzantines from Spain, extolling his virtues, the foremost of which was concern for the proper exercise of royal power. Having taken the crown by means of betrayal and insurgence, however, Sisenand appeared before the council of 633 in order to request support for the legitimization of his authority.⁹

THE CONCILIAR AGENDA

Reflecting the circumstances of the previous three decades, issues of orthodoxy and status arise in the seventy-five canons of the council, more than three times the number of decisions promulgated at the Third Council of Toledo. In the Fourth Council of Toledo, the anxiety of the period is even more pronounced than in the prior council. The status of males – kings, clergy (including bishops), Jews, and freedmen – resounds more stridently as the predominant theme of the council of 633. This theme arises repeatedly as the canons address matters resulting from the incorporation of former

⁷ CCH V, p. 180; App. B, p. 394: ... *primum coram sacerdotibus Dei humo prostratus cum lacrimis et gemitibus pro se interueniendum Domino postulauit* ...

⁸ Isidore of Seville, *History of the Goths*, 62-64.

⁹ For a brief discussion of the circumstances of the Fourth Council of Toledo, see Rachel L. Stocking, *Bishops, Councils, and Consensus in the Visigothic Kingdom, 589-633*, pp. 145-148.

Arians into the existing Nicene church, along with new problems associated with Reccared's legislation against Jews at the Third Council of Toledo and the forced baptisms ordered by one of his successors, the Visigothic king Sisebut (611/12-620).¹⁰

The Nicene ecclesiastical faction was probably in charge of the proceedings. This is suggested by the king's behavior and by the fact that Isidore presided over the assembly, rather than the metropolitan of Toledo, in whose city the council was held. The types of matters the council considers are primarily ecclesiastical and reflect the thematic content of Isidore's own writings, although the council confirms royal edicts, as well. Of the seventy-five canons, the first four deal with general matters, such as the truthfulness of catholic faith from Scripture, the articles of catholic faith, and the method of holding councils.¹¹ Fourteen canons concern diverse liturgical observances¹² and thirty-eight treat the personal quality and behavior of bishops, lesser clergy, and religious (monks and widows).¹³

These canons indicate that religious unification was not unproblematic in its practical implementation, but they form the early portion of the agenda, suggesting that they were easily agreed upon and disposed of. The final portion of the conciliar agenda is taken up with matters that were, presumably, both weightier and less indicative of

¹⁰ Isidore of Seville, *History of the Goths*, 60: *Qui initio regni Iudaeos ad fidem Christianam permouens aemulationem quidem habuit, sed non secundum scientiam: potestate enim compulit, quos prouicare fidei ratione oportuit, sed, sicut scriptum est, sive per occasionem sive per ueritatem donec Christus adnuntietur.* For this Latin text, see: *Las Historias de Los Godos, Vandalos y Suevos de Isidoro de Sevilla: Estudio, edición crítica y traducción*, ed. and transl. Cristóbal Rodríguez Alonso, Leon: Centro de Estudios e Investigación "San Isidoro," 1975, pp. 270-272.

¹¹ Canons 1-4, *CCH V*, pp. 184-189; App. B, pp. 395-400.

¹² Canons 5-18, *CCH V*, pp. 189-206; App. B, pp. 400-409.

¹³ Canons 19-56, *CCH V*, pp. 206-235; App. B, pp. 410-424.

consensus. Ten canons address forced baptisms of Jews, Jewish converts to Christianity, and judaizing over the previous two decades.¹⁴ Eight canons address the status of freed slaves of the church.¹⁵ The last canon, the council's lengthiest, brings the church's anathemas and powers of excommunication to bear against usurpers of royal authority, and legislates to eliminate unjust kings from power.¹⁶

Like the Third Council of Toledo, marriage, women, and wealth figure prominently in decisions at the Fourth Council of Toledo regarding the status of kings, clergy, religious, and the Christian and Jewish laity. The later council differs from the earlier one in that there are no lengthy speeches by the king, nor does anyone other than the bishops present subscribe to the conciliar *acta*.¹⁷ The council is not an entirely episcopal affair, since royal edicts appear for confirmation, the most significant of which are those newly legislating against Jews and judaizing. Polemical language opposing orthodoxy to heresy surfaces in both secular and ecclesiastical legislation as an indicator of competing claims to status in the context of attempts at political unification.

¹⁴ Canons 57-66, *CCH* V, pp. 235-242; App. B, pp. 424-428.

¹⁵ Canons 67-74, *CCH* V, pp. 242-248; App. B, pp. 428-432.

¹⁶ Canon 75. *CCH* V, pp. 248-260; App. B, pp. 432-439.

¹⁷ *CCH* V, pp. 260-274; App. B, pp. 439-445.

ORTHODOXY AND RELIGIOUS PRACTICES

Baptism

In the first canons of the council dealing with diversity of liturgical and other practices, language opposing orthodoxy to heresy surfaces immediately. In canon 6 concerning the sacrament of baptism,¹⁸ Isidore reads into the conciliar record a letter from Pope Gregory the Great to Leander of Seville, written shortly after the Third Council of Toledo in 589.¹⁹ In the letter, Gregory congratulates Leander on Reccared's conversion and that of the Goths to Nicene Christianity, warns the bishop to be on guard against lapses among the new converts, and responds to a question from Leander on the proper form of baptismal practice.

In a response to Leander's query, Gregory advises that whatever the form of Visigothic Arian practice, whether single or three-fold immersion into the baptismal water, the "orthodox" practice should be exactly opposite: "But now as long as an infant is immersed three times in baptism by heretics, I do not censure you to do it otherwise."²⁰ Referring twice to "heretics" (*hereticis*), Gregory alludes to St. Paul's admonition to the

¹⁸ CCH V, pp. 189-193; App. B, pp. 400-403.

¹⁹ Gregory the Great, *Epistle* I.41 (590-591 A.D.). For baptism in the Visigothic kingdom, see the recent study of Christian David McConnell, *Baptism in Visigothic Spain: Origins, Development and Interpretation*, Ph.D. Diss., Notre Dame, Indiana: University of Notre Dame, 2005.

²⁰ CCH V, p. 191; App. B, p. 401: *Sed si nunc usque ab haereticis infans in baptisate tertio mergebatur, fiendum apud uos esse non censeo ...*

church at Corinth that they baptize uniformly,²¹ and emphasizes the bishop's sole authority in such matters, prefigured by Moses' leadership of the ancient Hebrews.²²

Liturgical Practices

Lack of uniformity in liturgical practices in the Spanish church is the subject of a number of canons, ranging from agreement on the date and observation of Easter solemnities to incorporation of the Lord's Prayer, the Gloria, the Alleluia, Lauds, and hymns into masses. Here, the influx of formerly Arian clerics into the Nicene church appears to have resulted in an ongoing diversity of practice. In the tenth canon concerning the daily repetition of the Lord's Prayer, Isidore draws on the patristic authority of Cyprian, Hilary of Poitiers, and Augustine.²³ He does likewise to support the practice of singing hymns, referring once again to Nicene episcopal contemporaries Hilary of Poitiers and Ambrose of Milan, the latter of whom composed hymns for his congregation in an effort to combat his Arian opponents.²⁴

The numerous liturgical proscriptions of these canons, addressed explicitly to clergy, bear the penalty of excommunication for disobedience. This suggests that diversity of practice was interpreted as diversity of belief and evidence of religious

²¹ *CCH* V, pp. 189-193; App. B, p. 402. I Corinthians 10:1-2.

²² *CCH* V, p. 193; App. B, p. 402. Joshua 3:14-17. On Moses and Aaron as the figural types of the bishop in late antiquity and in the thought of Isidore of Seville, see: Claudia Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition*, Berkeley, Los Angeles, London: University of California Press, 2005, pp. 117 and 132-133.

²³ *CCH* V, pp. 197-199; App. B, pp. 404-405.

²⁴ Neil McLynn, *Ambrose of Milan: Church and Court in a Christian Capital*, Berkeley, Los Angeles, London: University of California Press, 1994, pp.195, 200-201, and 225-226.

infidelity. It was a matter requiring the most serious spiritual punishment. For clergy, this penalty would necessarily result in expulsion from the ecclesiastical ranks.

Scriptural Authority

Not only practice, but the very canon of “orthodox” scriptural authority was contested, since the Book of Revelation was rejected by some in the Spanish church as a source of preaching between Easter and Pentecost and by others as uncanonical.²⁵ A council of Rome presided over in 382 by the pro-Nicene Pope Damasus, Jerome’s mentor, affirmed the canon of the New Testament propounded in 367 by Athanasius of Alexandria, perhaps Arius’ most vocal and vehement opponent after the Council of Nicaea.²⁶ The need to legislate inclusion of the text as an authoritative source in canon 17 at the Fourth Council of Toledo suggests fundamental differences between members of the Spanish clergy reminiscent of the fourth-century debates over “orthodox” and “heretical” beliefs and practices.

²⁵ *CCH* V, pp. 205-206; App. B, p. 409.

²⁶ On Athanasius of Alexandria and the New Testament canon, see: J. N. D. Kelly, *Early Christian Doctrines*, rev. ed., San Francisco: Harper & Row, Publishers, 1978, p. 60. On Pope Damasus and the Council of 382, see: *The Oxford Dictionary of the Christian Church*, ed. F. L. Cross, 3rd ed. rev., ed. E. A. Livingstone, Oxford: Oxford University Press, 2005, p. 451; and Heinrich Denzinger, *Enchiridion Symbolorum: Definitionum et Declarationum de Rebus Fidei et Morum*, Freiburg: Herder, 1960, p. 40.

SEXUALITY AND ORTHODOX STATUS

Sexual Purity and the Episcopacy

Canons cite diversity in matters as basic as baptism, liturgy, and Scripture, along with references to such fourth-century, pro-Nicene, patristic authorities as Hilary of Poitiers, Ambrose of Milan, and Augustine of Hippo. These canons suggest that religious unification did not imply uniformity of practice and stress Hispano-Roman (Nicene) concerns with Visigothic (Arian) deviations. Subsequent canonical stipulations also stress traditional Nicene concerns about the ascetic authority of the bishop. These concerns are reminiscent of Leander's treatise on virginity, expressed as a binary opposition between pollution and purity. In canon 19, bishops guilty of criminal behavior or having done public penance, lapsed or rebaptized heretics, men having married more than once, men having married widows or "repudiated" (*relictam*) or "corrupted" (*corruptarum*) women, and men fornicating with concubines are disqualified from episcopal office.²⁷ Here the additional binary of integrity/corruption informs a discussion of the polluting effects of women on orthodox clergy.

In addition to these concerns about the sexual purity of the clergy, remarks about ambition and greed as corrupting forces appear in juxtaposition with previous language about women as secular "pollutions." Certain bishops had fallen short of canonical procedure in episcopal elections, as the same canon indicates with descriptions of bribery

²⁷ *CCH* V, pp. 206-211; App. B, pp. 410-412.

and other improprieties.²⁸ Linking “heretics” with improper episcopal elections and with clerics marrying or fornicating with women, this canon calls for the dismissal of such men from ecclesiastical office. Its primary purpose appears to have been to disqualify former Arians or lapsed Arians from the episcopacy. Untoward ambition and the intervention of a patron in episcopal elections also recall the ancient tradition of a reluctant bishop’s election as a matter of local jurisdiction involving the unanimity of both clergy and laity.²⁹ This was precisely the type of election attested for such prominent Nicene bishops of the late fourth century as Ambrose of Milan and Augustine of Hippo.

Sexual Purity and Clerical Authority

The canons function to enforce Nicene strictures on the clergy and to reestablish strict ascetic boundaries between a celibate clergy and the married laity. The ascetic authority of priests (*sacerdotes*) constitutes a matter of grave concern in the conciliar *acta*. The topic of ascetic sexual authority and the related binaries of pollution/purity, clergy/laity, and celibacy/marriage reappear in canons 21³⁰ and 22.³¹ In these canons, priests are not “to be polluted by any contagion of fornication” (*ullo eos fornicationis contagio pollui*) or “pollution of the flesh” (*inquinamento carnis*). The impurity of

²⁸ Visigothic rulers appear to have appointed bishops routinely, a practice that E. A. Thompson refers to as “common, if uncanonical.” E. A. Thompson, *The Goths in Spain*, pp. 40 and 43.

²⁹ Claudia Rapp, *Holy Bishops in Late Antiquity*, pp. 144-145.

³⁰ *CCH* V, p. 212; App. B, pp. 410-412.

³¹ *CCH* V, p. 213; App. B, pp. 410-412.

women is a contamination of fleshly purity, and impinges upon episcopal authority, as a reference to Paul's injunction to Timothy concerning the requirements of a bishop reinforces.³²

Priests should also be restrained from sexual lapses with males, as in canon 24, which refers to the need to protect youths in clerical orders "from the injuries of reprobates" (*ab iniuria improborum*).³³ This canon echoes an injunction of the Council of Elvira that men should refrain from sexually abusing boys, but without the pejorative language of the canons referring to women, suggesting a double standard for a cleric's sexual relations with females and those with males.³⁴ This same double standard appears in other canons as well.

Priests are prohibited from cohabiting with women outside their family (*extraneae feminae*) or having sexual relationships with their slave women in canon 43.³⁵ This decision repeats canon 5 of the Third Council of Toledo in which women discovered in such relationships are to be removed and sold as slaves by the bishop, but adds that clerics whom the women "have infected with their lust" (*sua libidine infecerunt*) should receive only the penalty of penance. Canons 44³⁶ and 52³⁷ repeat against clerics and monks the earlier injunctions that those who take wives without consulting their bishop, or accept a widow or repudiated woman or prostitute in marriage, are to be separated by

³² 1 Timothy 3:2.

³³ CCH V, pp. 214-215; App. B, pp. 413-414.

³⁴ Council of Elvira, canon 71: "Men who sexually abuse boys should not be given communion even at the end (i.e., at death) [*nec in finem*]; English translation in Samuel Laeuchli, *Power and Sexuality*, p. 134.

³⁵ CCH V, p. 227; App. B, p. 420.

³⁶ CCH V, p. 228; App. B, pp. 420-421.

³⁷ CCH V, pp. 231-232; App. B, pp. 422-423.

episcopal authority. In the only decision referring to female religious, canon 56 specifies the two kinds of widows which exist (secular and ecclesiastical). Reversing the prohibition of the Third Council of Toledo, it institutes that female religious, “[i]f they shall cross over to marriages, according to the Apostle shall not be without damnation, since vowing themselves first to God they have later given up the vow of chastity.”³⁸

Women as Bearers of Contagion

In these canons concerning the sexual purity of bishops and lesser clergy, women are represented as bearers of infectious lust and carriers of the contagion of impurity. Binaries in the canons invoke pollution/purity, clergy/laity, celibacy/marriage, and free/unfree. Women in sexual relationships with clerics are sold as slaves, wives married to clerics are separated from their husbands, and female religious of the church are damned for marrying, penalties all meted out by bishops. At the same time, clerics, including bishops, who participate in prohibited relationships, whether with women or boys, suffer lesser penalties of separation and penance. The double standard visible in Roman law and prior conciliar legislation reappears in these canons, which function to enhance the clergy’s reputation for sexual purity and the bishop’s authority to adjudicate it.

³⁸ CCH V, pp. 234-235; App. B, p. 424. *Eae si ad nuptias transierint, iuxta Apostolum non sine damnatione erunt, quia se primum Deo uouentes postea castitatis propositum abiecerunt.*

ORTHODOXY AND CITIZENSHIP STATUS

The status of the Jewish population surfaces once again at the Fourth Council of Toledo as it did at the Third Council of Toledo. The rhetorical elements of Christian political discourse claimed by both royal and ecclesiastical factions at the prior national council extend even further. In ten canons devoted to the status of Jews,³⁹ bishops and king contest rights to public authority over them. These canons are followed immediately by eight more concerning the status of freedmen,⁴⁰ suggesting an important alteration in the legal position of Jews to correspond more closely with slaves and freedmen. Binaries of Christian/non-Christian, free/unfree, and free will/coercion appear throughout these canons.

Arian Conversion and the Forced Baptism of Jews

The consequences of the conciliar unification rhetoric of 589 appeared with increasing force throughout the early seventh century. In the *History of the Goths*, Isidore failed to mention anti-Jewish legislation in his discussion of Reccared's reign,⁴¹ and only ascribed actual forced baptisms to the reign of Sisebut, some two decades after the council of 589.⁴² In a letter from Pope Gregory I to Reccared (c.598), the pope congratulated the king on having stood fast concerning "a certain ordinance against the

³⁹ Canons 57-66. *CCH* V, pp. 235-242; App. B, pp. 424-428.

⁴⁰ Canons 67-74. *CCH* V, pp. 242-248; App. B, pp. 428-432.

⁴¹ Isidore of Seville, *History of the Goths*, 55-56, pp. 264-266.

⁴² Isidore of Seville, *History of the Goths*, 60, pp. 270-272.

perfidy of the Jews,” (which was probably canon 14 of the Third Council of Toledo), “when to whom it related attempted to bend the rectitude of your [Reccared’s] mind by offering a sum of money, which your Excellency scorned, and, seeking to satisfy the judgment of Almighty God, preferred innocence to gold.”⁴³

In his epistle, Gregory congratulated Reccared on following the letter of Visigothic legislation, but also appended political rhetoric similar to that employed in Leander’s treatise on virginity to represent the ills associated with secular power. At the same time that the pope supported Reccared’s anti-Jewish legislation, the pontiff also cautioned the king against the sins of pride and wrath in his behavior toward his subjects using feminized imagery that recalled Leander’s own. Pride is personified in Gregory’s caution as a harlot,⁴⁴ and wrath as a mistress, rather than a handmaid, of the mind.⁴⁵ In addition, Gregory warned Reccared to abstain from fornication, that is, to embrace chastity as an indicator of personal probity and right to royal authority, and so that his subjects might perceive his power to be legitimate.⁴⁶

⁴³ Pope Gregory I, *Ep.* IX.122, *Gregory the Great*, Nicene and Post-Nicene Fathers of the Christian Church, 2nd series, Vol. XIII, Part II, New York: Charles Scribner’s Sons, 1905, pp. 35-36.

⁴⁴ Ibid. “For hence it is that it is said through the voice of the prophet to the soul that waxes proud, ‘Having trust in thy beauty thou playest the harlot because of thy renown’ (Ezek. 16:15). For indeed a soul’s having trust in its beauty is its presuming within itself on its righteous doings. And it plays the harlot because of its renown, when in what it has done aright it desires not the praise of its Maker to be spread abroad, but seeks the glory of its own reputation.”

⁴⁵ Ibid. “For wrath, even when it prosecutes the faults of delinquents, ought not to go before the mind as a mistress, but attend as a handmaid behind the back of reason, that it may come to the front when bidden. For, if once it begins to have possession of the mind, it accounts as just what it does cruelly.”

⁴⁶ Ibid. “... [Y]ou should abstain from fornication, that every one of you should know how to ‘possess his vessel in sanctification and honour, not in the lusts of concupiscence’ (I Thess. 4:3). The very government also of your kingdom in relation to your subjects ought to be tempered with moderation, lest power steal upon your mind.”

The characterization of wrath and pride as sins to be avoided, particularly in the exercise of public authority, also appeared in Leander's treatise, where the Sevillian bishop employed feminine imagery almost identical to Gregory's - that a virgin who exhibits these sins is no better than a harlot (*prostituta*).⁴⁷ Leander's instructions were intended to suggest the modest manner in which the ecclesiastical hierarchy should conduct itself vis-à-vis secular authority, the attitude laypersons should adopt in their conduct in the community, and the avoidance of wrath or pride by both. Emphasizing that the flesh is subject to the soul, however, Leander signaled the proper relationship between the secular and the sacred. It is likely that Gregory's admonition was intended to do so, as well.

Gregory followed the letter of Theodosian law toward the Jewish population in extensive correspondence with bishops throughout the Latin West, largely reserving his anti-Jewish sentiments for his polemical writings.⁴⁸ Gregory and other Latin writers, such as Augustine, appear to have maintained a distinction between the "hermeneutical" Jew and the actual one, and their "heretical" discourse was directed primarily at the threat they perceived in Arianism, not in Judaism. For the most part, this distinction was maintained in fourth-century imperial legislation, although with exceptions, such as that which occurred when Ambrose of Milan persuaded the Spanish emperor Theodosius I (379-395) to conflate the Jews of Callinicum with other Christian "enemies."

⁴⁷ *De institutione virginum*, IX.1, p. 134; Barlow, p. 204.

⁴⁸ James Parkes, *The Conflict of the Church and the Synagogue: A Study in the Origins of Antisemitism*, pp. 199-226.

The significance of the Visigothic anti-Jewish legislation lies in its conflation of the hermeneutical with the real. In this conflation, the anti-Jewish rhetoric of classical antiquity assumes new proportions in the Visigothic kingdom. As a result, new consequences appear in the forced baptisms of the Jewish population to Christianity. Although there is no evidence for forced conversions of Jews between 589 and the second decade of the seventh century, the Visigothic sources reflect the Jewish population as an increasingly visible element in disputes over legitimate Christian authority that formerly involved mainly, but not exclusively, pagans and Christian heretics.⁴⁹

Isidore of Seville: Conversion and Free Will

Isidore does not appear to have endorsed the Visigothic kings' policy of forced baptism of Jews, although he is often seen as having originated or otherwise condoned it.⁵⁰ In the canons, he and the other bishops do, however, accede to royal anti-Jewish legislation that reflects the vituperative content, if not the precise intent, of ancient

⁴⁹ Wolfram Drews, "Jews as pagans? Polemical definitions of identity in Visigothic Spain," *Early Medieval Europe* 2002 II (3) 189-207, makes a similar point about Jews as "new" pagans in the Visigothic sources.

⁵⁰ Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*, Berkeley and Los Angeles, California: University of California Press, 1999, pp. 95-122. Bat Sheva Albert, "Isidore of Seville: His Attitude Toward Judaism and His Impact on Early Medieval Canon Law," *The Jewish Quarterly Review*, New Series, Vol. 80, No. 3/4 (Jan.-Apr., 1990) 207-220.

Christian polemic.⁵¹ This polemic includes Isidore's own in the *De fide catholica contra judaeos*. Wolfram Drews has proposed that the bishop demonstrated a lack of knowledge of Judaism and of actual Jews in this work,⁵² but Jeremy Cohen has argued that Isidore's construction of the "hermeneutical" Jew directly influenced contemporary and later medieval anti-Jewish legislation.⁵³ Both scholars agree that Isidore's stance reflects Augustine's own - that Jews, unlike Christian heretics such as Arians, had an eschatological role to play and were, therefore, not proper targets for conversion.⁵⁴

Canon 57: The Forced Baptism of Jews

Echoing disapproval of the Visigothic king Sisebut, which Isidore expressed in his *History of the Goths*,⁵⁵ canon 57,⁵⁶ the first of this segment of anti-Jewish canons, legislates vehemently against the forced baptisms of Jews. At the same time, however, it affirms the efficacy of the baptismal sacrament. The element of free will figures prominently in canon 57 as an ideal unrealized in the forced conversions of Jews to Christianity: "For such as are invited are not to be saved, but the willing, so that the form

⁵¹ On this ancient polemic, which was more prevalent in the Greek-speaking eastern Roman Empire than in the Latin West, see: James Parkes, *The Conflict of the Church and the Synagogue: A study in the origins of anti-semitism*, pp. 199-226.

⁵² Wolfram Drews, *The Unknown Neighbor: The Jew in the Thought of Isidore of Seville*, pp. 260-261, *passim*.

⁵³ Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*, pp. 95-122.

⁵⁴ Ibid. Wolfram Drews, *The Unknown Neighbor: The Jew in the Thought of Isidore of Seville*, pp. 260-261, *passim*.

⁵⁵ Isidore of Seville, *History of the Goths*, 60.

⁵⁶ CCH V, pp. 235-237; App. B, pp. 424-425.

of justice is whole.”⁵⁷ The notion of God as “calling” (*vocante*) the human will to conversion occurs in this canon, as it does in Isidore’s argument against forced baptisms in *De fide catholica*.⁵⁸

Canon 57 clearly states that, based on the lack of free will and the inappropriate use of secular coercion, forced conversion should be impossible. It ratifies such conversions, however, on the basis of the converts’ prior participation in the Christian baptismal and Eucharistic sacraments. This understanding reflects the theological teaching of Augustine, for whom the indelible mark of baptism established an indissoluble bond of faith with the converted soul. Baptism, like marriage, thus constituted a sacramental mystery - a union of the human with the divine - the nature of which rendered dissolution not so much impermissible as impossible.⁵⁹

The freedom of will not accorded to Jews - whether practicing, *conversi*, or *lapsi* - at the Fourth Council of Toledo was a key element of the Visigoths’ own conversion at the Third Council of Toledo. As Wolfram Drews has shown,⁶⁰ John of Biclarum affirmed that the Visigoths were converted “by reason rather than by command” (*ratione potius quam imperio*).⁶¹ In his *History of the Goths*, Isidore inverted John’s words when discussing Sisebut’s forced conversions of Jews during the second decade of the seventh

⁵⁷Ibid. *Non enim tales inuiti saluandi sunt, sed uolentes, ut integra sit forma iustitiae.*

⁵⁸ Wolfram Drews, *The Unknown Neighbor: The Jew in the Thought of Isidore of Seville*, pp. 207 and 221.

⁵⁹ Philip Lyndon Reynolds, *Marriage in the Western Church: The Christianization of Marriage During the Patristic and Early Medieval Periods*, Boston and Leiden: Brill Academic Publishers, Inc., 2001, pp. 291-295.

⁶⁰ Wolfram Drews, *The Unknown Neighbor: The Jew in the Thought of Isidore of Seville*, pp. 207 and 221.

⁶¹ John of Biclarum, *Chronicon*, a.587.

century to state that the Jews were compelled by coercion rather than by reason.⁶² By doing so, Isidore contrasted the propriety of the Goths' willingness to convert with the impropriety of the Jews' unwilling baptisms. This canon demonstrates a shift in attitudes by the ruling Visigothic minority, themselves *conversi*, after they assumed the mantle of religious "orthodoxy."

Canon 57 refers explicitly to those unwillingly converted during Sisebut's reign: "... whoever now before was forced to come to Christianity, as has been done in the times of the religious prince Sisebut ..." ⁶³ Isidore dedicated a chapter of the *Sentences*, probably written in the 620s after Sisebut's death, to princes exercising improper authority over spiritual matters.⁶⁴ The first Isidorean principle concerning the position of secular princes in the church was that they should not seek to wield ecclesiastical power.⁶⁵ Although Wolfram Drews has argued that Isidore's polemic in the *De fide catholica contra judaeos* was intended to support the assimilation of Hispano-Roman Christians into the *gens Gothorum*,⁶⁶ the evidence of the *History* indicates otherwise. Rather than advocating Hispano-Roman assimilation into the *gens Gothorum*, Isidore's

⁶² Isidore of Seville, *History of the Goths*, 60: ... *sed non secundum scientiam: potestate enim compulit, quos prouocare fidei ratione oportuit* ...

⁶³ CCH V, pp. 235-236; App. B, p. 425: *Qui autem iam pridem ad Christianitatem uenire coacti sunt, sicut factum est temporibus religiosissimi principis Sisebuti* ...

⁶⁴ Quotations from Isidore's *Sentences* are from the critical edition by Pierre Cazier; translations of the Latin text are mine. *Isidorus Hispalensis Sententiae*, 51.4-51.6, p. 304.

⁶⁵ *Isidorus Hispalensis Sententiae*, 51.4, p. 304. *Principes saeculi nonnumquam intra ecclesiam potestatis adeptae culmina tenent, ut per eandem potestatem disciplinam ecclesiasticam muniant. Ceterum intra ecclesiam potestates necessariae non essent, nisi ut, quod non praeualet sacerdos efficere per doctrinae sermonem, potestas hoc imperet per disciplinae terrorem.* "Secular princes often grasp at the height of power achieved within the church, so that through that same power they might bestow ecclesiastical instruction. Besides, within the church such official pressures are not needful, lest, what he does not have the superior power to accomplish as a priest through the teaching of doctrine, this man commands by force through the terror of discipline."

⁶⁶ Wolfram Drews, *The Unknown Neighbor: The Jew in the Thought of Isidore of Seville*, pp. 258-319.

History of the Goths, written in the decade after Sisebut's forced conversions, conveyed a distinct ambivalence about the nature of Gothic rule itself.

Isidore of Seville on Conversion and Kingship

In this context, Isidore's theology of kingship in the *Sentences* can be understood to oppose Sisebut's efforts to impose forced conversion to Christianity on the Jews of his kingdom.⁶⁷ In Isidore's theology of kingship, the duty of kings was to exercise proper authority for the benefit of their subjects in the secular realm, not to trespass upon ecclesiastical prerogatives, including the sacrament of baptism, with the force at their disposal.⁶⁸ Kings also had a duty to protect the church, which duty did not include destroying the integrity of Christian faith: "Secular princes are aware that they owe by reason of their debt to God the guardianship of the church which they receive from Christ."⁶⁹

⁶⁷ *Isidorus Hispalensis Sententiae*, 51.5, p. 304: *Saepe per regnum terrenum caeleste regnum proficit, ut, qui intra ecclesiam positi, contra fidem et disciplinam ecclesiae agunt, rigore principum conterentur, ipsamque disciplinam quam ecclesiae utilitas exercere non praeualet, ceruicibus superbiorum potestas principalis inponat; et ut uenerationem mereatur, uirtute potestatis inperiat.* "Often throughout the earthly kingdom he [the prince] professes the heavenly kingdom, so that those who have been deposited within the church, annihilated by the rigor of princes, act against the faith and discipline of the church, and the very instruction which he [the prince] does not possess the superior power to exercise for the utility of the church, prideful princely power lays upon their necks; and so that he is entitled to veneration, he causes [them] to share by virtue of force."

⁶⁸ On the difficulty of interpreting the Visigothic sources on the point of forced baptism, especially concerning the question of determining responsibility for the legislation, see also: Henriette-Rika Benveniste, "On the Language of Conversion: Visigothic Spain Revisited," *Historein*, Vol. 6 (2006) 72-87.

⁶⁹ *Isidorus Hispalensis Sententiae*, 51.6, p. 304: "*Cognoscant principes saeculi Deo debere se rationem propter ecclesiam, quam a Christo tuendam suscipiunt.*"

In disputes over royal rights to ecclesiastical authority, Jews constituted political capital. Forced conversions enabled Visigothic kings to bring the Jewish community and its patrimony under expanded royal control. In the canons of the Fourth Council of Toledo, religious loyalty was synonymous with political loyalty. In this scheme based on Christian “orthodoxy,” Jews served the functions of consolidating royal power and justifying royal usurpation of ecclesiastical authority. The dubious nature of the forced conversions, as well as the irony of coercing unwilling converts to remain faithful for the sake of the integrity of Christian belief, were probably not lost on the assembly. Consistent with the sublimation of religious ideal to political reality, however, the canons increasingly eradicated religious boundaries between Jews, Jewish converts, and judaizers, and instituted a new approach to Christian unification. In the process, the status of all three became assimilated more closely to that of slaves and former slaves, emphasizing the binary contrasts of free/unfree and faithful/unfaithful.

Additional Anti-Jewish Legislation

Jews as Infideles

In subsequent canons, Jews, Jewish converts to Christianity, and judaizers are characterized as “unfaithful” (*infideles*), separated from the society of Christians, and, therefore, demoted from full citizenship status to something more akin to slavery. Canon 58 places the spiritual penalty of anathema on any Christian granting the aid and

protection of “patronage” (*patrocinio*) to Jews, “who are not without cause known to be from the body of the Antichrist” (*qui non immerito ex corpora Antichristi esse noscuntur*).⁷⁰ The decision also expels from the church those who participate with Jews in this primary instrument of social networking: “since ... whoever is made the patron of the enemies of Christ should be separated from the body of Christ” (*quia ... a corpora Christi separetur qui inimicis Christi patronus efficitur*).⁷¹ This canon opposes members of the body of the Antichrist with those of the body of Christ, reminiscent of Leander’s treatment of Arian “heretics” in his homily at the Third Council of Toledo.

Jews, Slaves, and “The Patroness Who Never Dies”

The treatment of Jews in canon 58 concerning the issue of patronage echoes in six subsequent canons which restrict a bishop from liberating freedmen of the church: “since the patroness of them never dies” (*quia nunquam moritur eorum patrona*).⁷² The link between Jews – which, in the canons include converts and judaizers - and slaves or freedman is even more explicit. Canon 64⁷³ restricts Jews, broadly constructed, from giving testimony in court, and similar prohibitions are repeated in canon 68⁷⁴ against freedmen testifying against the church. Heresiological rhetoric is no longer the sole

⁷⁰ CCH V, pp. 236-237; App. B, pp. 425-426.

⁷¹ Ibid.

⁷² On establishment of the medieval monarchy as a corporate body that survived the death of any one ruler, based on the model of the institutional church, see: Ernst H. Kantorowicz, *The King’s Two Bodies: A Study in Mediaeval Political Theology*, Princeton, New Jersey: Princeton University Press, 1957, p. 291.

⁷³ CCH V, p. 240 ; App. B, pp. 427-428.

⁷⁴ CCH V, p. 243; App. B, pp. 429-430.

possession of Nicene bishops, as canon 66 indicates.⁷⁵ In this canon, the Visigothic ruler, Sisenand, repeats Reccared's legislation against Jews having a Christian wife or Christian slaves, with additional commentary: "For it is a sin that members of Christ should serve the servants of the Antichrist."⁷⁶

In these canons, the issues of religious infidelity, political disloyalty, and diminution of citizenship status are closely linked. Slaves are viewed as property even though manumitted, since they remain obligated to the church through patronage ties. The church in this case is a corporate person, a *patrona*, and although freed, *liberti* cannot presume to testify or to accuse the patronal figure. Jews are excluded from patronage relationships with Christians, as well as deprived of the right of Roman citizens to give testimony in civil courts.

In addition to the exclusion of Jews and Jewish converts from the important social ties of patronage and the citizenship right of testifying in court, two royal edicts target public authority at the local level, eliminating Jews and their descendants from positions in which they might exercise power over Christians.⁷⁷ Four more royal edicts restrict the private, domestic authority of Jewish males over their children and slaves.⁷⁸ The body of the Jewish male is also the target of yet another edict, which by order of the king prohibits Jewish males from being circumcised or from circumcising their sons or male slaves.⁷⁹ In a total of seven royal edicts, the bodies and prerogatives of Jewish males are

⁷⁵ *CCH V*, pp. 241-242; App. B, p. 428.

⁷⁶ *Ibid.* *Nefas est enim ut membra Christi seruiant Antichristi ministris.*

⁷⁷ Canons 65 and 66, *CCH V*, pp. 240-242; App. B, p. 428.

⁷⁸ Canons 60-63, *CCH V*, pp. 238-240; App. B, pp. 426-427.

⁷⁹ Canon 64, *CCH V*, p. 240; App. B, pp. 427-428.

treated with the same degree of control with which late classical Christian discourse addressed the bodies of married, widowed, or virgin women. The property of Jews is also scrutinized in these canons with the same type of attention seen in earlier writings by Nicene authors concerned with the wealth of their female adherents.

Jews as Contagion

The binaries of carnal/spiritual and pollution/impurity appear to link Jews to the carnality and pollution that women represent in the canons. In the fourth and fifth centuries, Christian polemicists often used the same methods of allegorical exegesis against both Arian and Jewish interpretations of Scripture. In the anti-Jewish polemic of late antiquity, Christian writers traditionally treated the Jewish approach to Scripture as a “carnal” one, equating Arians with Jews in this regard.⁸⁰ Leander refers to the “carnal” reading by the “Hebrews” of the Song of Songs in his treatise on virginity against Arianism.⁸¹

In the canons of the Fourth Council of Toledo, Jewish faith is by implication a contaminating force to male, Christian society similar to that of women. Drawing on the political discourse of late antiquity, the new purpose of the anti-Jewish Visigothic canons

⁸⁰ Marcel Simon, *Verus Israel: A study of the relations between Christians and Jews in the Roman Empire (135-425)*, originally published in French, Paris: Editions E. de Boccard, 1964; transl. H. McKeating, The Littman Library of Jewish Civilization, Oxford: Oxford University Press, 1986, pp. 147, 213, and 217. For a more recent treatment of Nicene polemic that linked Jews and Arians, see: Daniel Boyarin and Virginia Burrus, “Hybridity as Subversion of Orthodoxy? Jews and Christians in Late Antiquity,” *Social Compass* 52:4 (2005) 431-441.

⁸¹ Leander of Seville, *De institutione virginum*, XVI, pp. 144-145; Barlow, pp. 210-211.

is to eradicate boundaries between the Christian and Jewish communities, consistent with canon 14 of the Third Council of Toledo. The anti-Jewish legislation of the Fourth Council of Toledo is also used to an even greater extent to elevate the “orthodox” status of both king and bishops. In these canons, ecclesiastical and royal figures assert their authority to intervene in the public and private lives of Jews, Jewish converts, and judaizers, employing rhetoric and imagery similar to that directed toward women “as a code for other concerns.”⁸²

ORTHODOXY AND ROYAL STATUS

Isidore of Seville: Loyalty and Legitimacy

Royal status is the topic of the council’s final canon 75, in which Isidore narrates the circumstances of Sisenand’s rise to power.⁸³ The canon legislates loyalty to the crown in a three-fold format similar to that with which Reccared pledged fidelity to Nicene Christianity at the Third Council of Toledo. Canon 75 reflects Isidore’s concerns with the nature and legitimacy of secular rule in a destabilized political environment, the primary theme of his etiological *History of the Goths*. That work does not constitute the bishop’s only statement on proper kingship. Other indications of his attitude toward the

⁸² Elizabeth A. Clark, “Women, Gender, and the Study of Christian History,” *Church History*, Vol. 70, No. 3 (Sep., 2001) 395-426; quote on p. 423.

⁸³ *CCH V*, pp. 248-260; App. B, pp. 432-439.

Visigothic kings of Spain can be found in the *Etymologies*, in which Isidore contrasts the name of “king” to that of “priest,” and defines a king by his proper exercise of secular power in the interest of his people’s welfare.⁸⁴

In his *Sentences*, which has been called Isidore’s theological *summa*, the bishop of Seville also devotes three chapters of Book III to the duties of the prince toward his people.⁸⁵ Throughout the *Sentences*, Isidore directs a great deal of attention to the proper exercise of ecclesiastical authority. The chief characteristic of spiritual or ecclesiastical authority is “virginity,” which stands for sincere integrity of body, mind, and soul. By contrast, the king operates within a separate sphere of authority in the world, holding the power given him by God to perform good works. In the *Sentences*, Isidore emphasizes that the sovereign has no power, except that given him by God in mutual love and trust. He quotes the Old Testament to reinforce the message of marital covenant between a ruler and God, without which the ruler will inflict only harm upon his subjects.⁸⁶

In the same work, Isidore also stresses the supremacy of ecclesiastical authority over the king, who is enjoined to rule in accordance with religious precepts.⁸⁷

⁸⁴ *Etymologies* IX.iii.iv-v: “Kings are so called from governing, and as priests are named from ‘sacrificing’, so kings from governing. But he does not govern who does not correct; therefore, the name of king is held by one behaving rightly, and lost by one doing wrong. Hence among the ancients such was the proverb: ‘You will be king if you behave rightly; if you do not, you will not.’ The royal virtues are these two especially: justice and mercy – but mercy is more praised in kings, because justice in itself is harsh.” The English translation is in *The Etymologies of Isidore of Seville*, p. 200.

⁸⁵ *Isidorus Hispalensis Sententiae*, p. xiii.

⁸⁶ *Isidorus Hispalensis Sententiae*, 48.10, p. 199; Hosea 8:4, “They made kings, but not by my authority,” and Hosea 13:11, “I give you a king in my anger, and I take him away in my wrath” [NRSV].

⁸⁷ *Isidorus Hispalensis Sententiae*, 51.3, p. 304: *Sub religionis disciplina saeculi potestates subiectae sunt; et quamvis culmine regni sint praediti, uinculo tamen fidei tenentur adstricti, ut fidem Christi suis legibus praedicent, et ipsam fidei praedicationem moribus bonis conseruent.* “Secular powers are subject to the discipline of religion; even those who are the highest in the kingdom are held restricted by the bond

Addressing the Visigothic ruler's covenantal election by God, Isidore refers to the biblical books of Samuel and Kings. He models proper kingship on the example of David, elected by God to lead Israel, and sinful kingship on the example of Jeroboam, "who sinned and caused Israel to sin" through the religious rebellion of idolatry.⁸⁸ Even more important to Isidore than the boundary between secular and ecclesiastical authority is the theme of proper secular rule. It is this theme to which he turns in the council's final canon.

Canon 75

The Oath of Loyalty

Canon 75 imposes the penalties of anathema and excommunication on usurpers of royal authority. This probably refers to rival Visigothic claimants to the throne, since there is almost no evidence of Hispano-Romans seeking the Visigothic crown for themselves. The duty of loyalty owed to the king is referred to as "faith by oath" (*fidem sacramento*),⁸⁹ violation of which is an "impiety of perfidy" (*perfidiae impietatem*).⁹⁰

of faith, so that they preach the faith of Christ with their laws, and imbue the same preaching with the good customs of the faith."

⁸⁸ *Isidorus Hispalensis Sententiae*, 49.1 and 50.6, pp. 300 and 302. Scriptural references are to II Samuel 6:22, David speaking to his wife, Mikhal: "I was dancing before the Lord ... who preferred me," and I Kings 14:16, "He [the Lord] will give up Israel because of the sins Jeroboam has committed and caused Israel to commit," respectively [NRSV].

⁸⁹ *CCH* V, p. 248; App. B, p. 432.

⁹⁰ *CCH* V, p. 249; App. B, p. 432.

The canon draws parallels to the Visigothic kings as God's anointed⁹¹ and likens them to the Old Testament kings Saul and David,⁹² reminiscent of Isidore's characterizations of Visigothic rulers in his *History of the Goths*.

Treason, Heresy, and the "Concord of Unity"

With language similar to that used to describe the religious infidelity of judaizers, canon 75 describes politically unfaithful subjects as prevaricators of faith (*regibus suis ... fidem ... praeuaricant*), performers of a sacrilege (*sacrilegium*) in transgression against God (*transgressio ... in Deum*), by which the kingdom will be destroyed.⁹³ Like the Visigoths' conversion at the Third Council of Toledo, canon 75 requires those present to stipulate their oaths of loyalty to the king in writing. Here political loyalty is discussed in terms of religious fidelity.

The Christian political discourse of late antiquity appears in characterizations of political disloyalty as impiety and infidelity that impedes the "concord of unity" (*unitatis concordia*).⁹⁴ Those who fail to maintain political loyalty as an "oath of faith" (*sacramentum fidei*) suffer the penalties of anathema and expulsion from Christian

⁹¹ CCH V, p. 249; App. B, p. 433. Psalms 104:15: *Nolite tangere christos meos*. "Touch not my anointed" [NRSV].

⁹² CCH V, p. 250; App. B, p. 433. I Samuel 26:9, David referring to Saul: *Quis, inquit, extendet manum suam in christum domini et innocens erit?* "Who, he said, shall extend his hand against the anointed of the Lord and be innocent?" [NRSV].

⁹³ CCH V, p. 250; App. B, p. 432.

⁹⁴ CCH V, p. 251; App. B, p. 434.

society (*ab omni coetu Christianorum*).⁹⁵ This last reflects the same penalties assigned in the anti-Jewish canons to Christians who cross religious boundaries by associating with non-Christians.

Political Harmony as Marital Concordia

The notion of political harmony as marital *concordia* also appears in Canon 75, which condemns the treasonous conspirator as an adulterous partner who “copulates in pernicious depravity” (*in pernicie praua societas copulat*).⁹⁶ Political conspirators against the king are compared to Judas Iscariot with the judgment that they should share his perdition (*perditio*).⁹⁷ References to the figure of Judas as a betrayer and thief also appear in Leander’s treatise on virginity in prohibitions against a virgin holding private property⁹⁸ and in Isidore’s *De fide catholica*.⁹⁹ Both references to Judas stand for impiety and betrayal.

The language of canon 75 establishes further links between political disloyalty and religious infidelity. To Sisenand, Isidore as narrator of the canon addresses remarks exhorting the king to honor his duty in the pact of political loyalty by just treatment of his subjects, repeating the responsibility of kings elucidated in the *Sentences*.¹⁰⁰ Concerning

⁹⁵ CCH V, p. 252; App. B, p. 435.

⁹⁶ CCH V, p. 254; App. B, p. 436.

⁹⁷ CCH V, p. 255; App. B, p. 436.

⁹⁸ *De institutione uirginum*, XXVIII, pp. 167-168 ; Barlow, pp. 123-124.

⁹⁹ Isidore of Seville, *De fide catholica contra iudaeos*, chapters 20 and 21.

¹⁰⁰ CCH V, pp. 255-256; App. B, pp. 437-438.

Swintila, the king from whom Sisenand had usurped power, the canon bars him, his relatives, and their descendants from royal power for their greed.¹⁰¹ This canon functions to reserve royal patrimony to the reigning king in exchange for just rule.

The closing prayer of this canon gives glory first to God and then to the king. With it Isidore completes his conciliar efforts to broker the problematic union between Visigothic rulers and their subjects to which much of his *corpus* with its varied genres was devoted.¹⁰² In canon 75, the same concerns with the nature and legitimacy of Visigothic rule that constitute the themes of Isidore's *History of the Goths* and *Sentences* find expression.

ORTHODOXY AND STATUS AT THE FOURTH COUNCIL OF TOLEDO

The evidence of this chapter demonstrates the flexibility of Christian political discourse based on the notion of domestic *concordia* and the persistence of the marital rhetoric of late antiquity into the early medieval period. Compared to the Third Council of Toledo, the Fourth Council of Toledo employs less overt marital rhetoric and gendered imagery, but demonstrates to a greater extent the practical legislative consequences of that rhetoric. The texts of both councils bring into sharp relief the uses of such rhetoric in a destabilized political environment. In this environment, language of the body and of

¹⁰¹ *CCH* V, pp. 258-259; App. B, pp. 437-438.

¹⁰² *CCH* V, pp. 259-260; App. B, pp. 438-439.

human sexuality expresses conflicts over power. This language is itself contested by bishops and rulers intent on bolstering their own public authority.

In both conciliar texts, issues of orthodoxy and heresy appear as binary combinations. With such binaries, Hispano-Roman bishops and Visigothic kings stake claims to “orthodoxy” for themselves and characterize opposing factions as “heretical.” In the councils, Nicene and Arian Christians conjoin as religiously and politically “orthodox.” Simultaneously, Jews become representatives of “heresy” in the interest of Christian “unity.”

In canons of the Third Council of Toledo, virginity is a point of political division between the celibate Nicene clergy and their Arian counterparts. In the Fourth Council of Toledo, marriage as a metaphor for political unity reflects Isidore’s concern to represent domestic *concordia* in the *History of the Goths* as a potential solution to ruling instability. In the narrative and conciliar sources, marital rhetoric has little effect in promoting real consensus, and is instead, divisive of the kingdom’s Christian and Jewish populations.

The conciliar texts have been interpreted to suggest that conflicts over orthodoxy and status moved from cryptic expressions in the narratives to overt disputes in the conciliar *acta*. As a result, the rhetoric of the sources, regardless of who articulated it, was empty neither of meaning, nor of consequences. The final chapter will argue that preoccupations with marriage, women, and wealth similar to those in the conciliar legislation appear in the civil law promulgated in 654 A.D. as indicators of further contestations over power and status.

PART IV

LAWS

Chapter Seven argues against views of Spanish “unity” by examining Visigothic law. The Visigothic law code of 654 A.D. evidences, not constitutional unification, but an attempt by rulers to shift wealth and authority from Hispano-Roman control to Gothic control. About to join legally with Visigoths, Hispano-Roman males require new measures to secure such a “unity.” In attempts to establish unity in the Visigothic kingdom, Christian men use women and the Jewish population to define and to establish claims to orthodoxy and status. In the texts, women and Jews appear as pollutions of male Christian society. They also represent sources of wealth for claimants to royal and secular authority in the civil laws.

CHAPTER SEVEN

THE LAW'S EMBRACE: ROYAL AUTHORITY IN VISIGOTHIC SPAIN

Views of the Visigothic period as one of “unity” interpret the seventh-century royal law code as additional evidence of a successful unification policy that originated in the canonical legislation of the Third and Fourth Councils of Toledo (589 and 633 A.D.).¹ Surveys of medieval Spanish legal history treat Visigothic legal unification as a closed question, a position also adopted in the few historical surveys of medieval Spanish law published in English.² None of these works mentions that provisions regarding marriage,

¹ A nineteenth-century critical edition of the *Lex Visigothorum* by Karl Zeumer was published in the *Monumenta Germaniae Historica* on the basis of twenty-six manuscripts dating from the eighth century to the fourteenth; other published Latin editions of the *Lex Visigothorum* date from the sixteenth century to that of Zeumer in the nineteenth. *Leges Wisigothorum*, ed. Karl Zeumer, *Monumenta Germaniae Historica, Legum Sectio I, Leges Nationum Germanicarum*, Tom. I, Hannover and Leipzig: 1902, pp. 35-456.

² For an authoritative and relatively recent summary of this view and of the most important Spanish legal scholarship of the last century on the topic of Visigothic law as evidence of constitutional unity, see: *El Derecho Histórico de los Pueblos de España (Temas para un curso de Historia del Derecho)*, eds. Enrique Gacto Fernández, Juan Antonio Alejandro García, José María García Marín, 5th ed., Madrid, 1988, pp. 105-146. E. N. Van Kleffens, *Hispanic law until the end of the Middle Ages*, Edinburgh, 1968., although now somewhat dated, is still useful for its discussion of the evolution and significance of medieval Spanish law. P. D. King, *Law and Society in the Visigothic Kingdom*, Cambridge Studies in Medieval Life & Thought, Third Series, Vol. 5, Cambridge: Cambridge University Press, 1972, also contains extensive references to the voluminous secondary Spanish and German literature on Visigothic law.

women, and wealth, relative to the marital rhetoric and gendered imagery in the antecedent narrative or conciliar sources, suggest disunity and instability in the law code.

In comparative studies of late classical and early medieval law, Antti Arjava examines the provisions of imperial codes and provincial variants in the east and Germanic codes in the west.³ Philip Reynolds' monograph combines a historical survey of late classical Roman and Germanic law with a discussion of the theological development of Christian marriage as a sacrament in the early medieval west.⁴ Although both of these studies view Visigothic law in a comparative context that includes Roman and other Germanic codes, neither work addresses the marital rhetoric in the Visigothic laws as evidence for conflicts over public authority. Susan Treggiari has utilized the methodology of reading the law in both the rhetorical and practical senses in a study of classical Roman marriage,⁵ as has Judith Evans Grubbs in a discussion of fourth-century Constantinian legislation.⁶ Only the latter treats Visigothic legislation; she does so in order to address the "Christianization" of the law, a question not directly relevant to this dissertation's thesis.

In addition to these different types of surveys of late classical and early medieval marriage legislation, specialized juridical treatments of the medieval Spanish laws that

³ Antti Arjava, *Woman and Law in Late Antiquity*, Oxford: Oxford University Press, 1996.

⁴ Philip Lyndon Reynolds, *Marriage in the Western Church: The Christianization of Marriage During the Patristic and Early Medieval Periods*, Leiden: E. J. Brill, 1994.

⁵ Susan Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian*, Oxford: Clarendon Press, 1991, pb. 1993.

⁶ Judith Evans Grubbs, *Law and Family in Late Antiquity: The Emperor Constantine's Marriage Legislation*, Oxford: Oxford University Press, 1999. For a summary of this monograph that disputes the Christianization of Constantinian marriage legislation, see the essay: Judith Evans Grubbs, "Constantine and Imperial Legislation on the Family," in *The Theodosian Code: Studies in the Imperial Law of Late Antiquity*, eds. Jill Harries and Ian Wood, London: Duckworth, 1993, pp. 120-142.

concern women, e.g., those concerning marriage and inheritance, are increasingly available and accessible.⁷ Granted that Spanish feminism (patterned on American feminism) has lagged, the occasional voice has advocated examining political relations in the Visigothic kingdom through the sociological lens of kinship, wealth, and the laws that governed them.⁸ The bulk of recent scholarship still reads the legal rhetoric of the code as evidence of “syncretism,”⁹ rather than an attempt to assert the hegemony of the Visigothic ruling class over the Hispano-Roman majority.¹⁰

VISIGOTHIC LAW AND EARLY SEVENTH-CENTURY POLITICS

Promulgated by King Recceswinth in 654 A.D., the *Lex Visigothorum* (*Law of the Visigoths*) was the first territorial law code intended to govern all the inhabitants of the Spanish Visigothic kingdom, regardless of ethnic origin, religious affiliation, or legal status (i.e. free, freed, or unfree). Its laws, generally labeled *antiquae* or *novellae*, applied equally to Christians and non-Christians, to Visigoths and Hispano-Romans. The

⁷ For example, see: María Francisca Gámez Montalvo, *Regimen juridico de la mujer en la familia castellana medieval*, Granada: Editorial Comares, 1998.

⁸ In the specific context of Visigothic legislation, see the essay on the sociology of kinship and marriage by Giorgio Ausenda, “Kinship and Marriage Among the Visigoths,” in *The Visigoths From the Migration Period to the Seventh Century: An Ethnographic Perspective*, ed. Peter Heather, Studies in Historical Archaeoethnology, Vol. 4, Woodbridge: Boydell Press, 1999, pp. 127-165.

⁹ Isabel Velázquez, “Jural Relations as an Indicator of Syncretism: From the Law of Inheritance to the *Dum illicita* of Chindaswinth,” in *The Visigoths From the Migration Period to the Seventh Century*, pp. 225-259.

¹⁰ Sam Koon and Jamie Wood, “Unity from disunity: law, rhetoric and power in the Visigothic kingdom,” *European Review of History*, Vol. 16, No. 6 (December 2009) 793-808, emphasize the highly rhetorical and constructed nature of the laws, but nevertheless, read them as evidence for cooperative, unified action between rulers and bishops in the kingdom’s administration against both external and internal elements.

Visigothic code appears in two versions, one issued during the reign of King Recceswinth, dated 654, which exists in a recension, and a later version compiled during the reign of King Ervig, dated 681.¹¹

Although the code of 654 was the first effort at constitutional unification in the Visigothic kingdom, Recceswinth (649-672), was not the first Visigothic ruler to act as a law-giver. The Visigoths were the earliest Germanic people in western Europe to codify laws for themselves. Visigothic rulers, such as Euric (466-484), Alaric II (484-507), and Leovigild (569-586), either issued new codes or revised previous compilations applicable to some of their subjects.¹² The code of Euric (476 A.D.) was a Germanic code for the use of Visigoths in Gaul and Spain in the late sixth century; it exists only in fragments.¹³ The code or Breviary of Alaric II (506 A.D.) was based on the Theodosian Code, issued in 438 A.D., and is also known as the *Lex Romana Visigothorum*; it was compiled for the use of the Visigoths' Roman subjects in the early sixth century and exists in a number of manuscripts.¹⁴ The late sixth-century code of Leovigild is not extant.¹⁵

Many of the provisions of the antecedent codes constitute the *antiquae* or ancient laws of the Visigothic code. In addition to transmitting certain ancient Roman and

¹¹ I use the provisions of the Recceswinthian recension, because of their proximity to the narrative and conciliar sources examined in previous chapters, and because these provisions form the basis for the majority (over eighty percent) of the code. Roger Collins, *Early Medieval Spain: University in Diversity, 400-1000*, 2nd ed., New York: St. Martin's Press, 1995, pp. 24-31, gives a concise summary of the complicated evolution of the seventh-century Visigothic law codes. See also, P.D. King, *Law and Society*, p. 20.

¹² Antti Arjava, *Woman and Law in Late Antiquity*, p. 19.

¹³ Roger Collins, *Early Medieval Spain: University in Diversity, 400-1000*, pp. 25-26.

¹⁴ Ian Wood, "Nachleben: the [Theodosian] Code in the Middle Ages: Introductory Note," in *The Theodosian Code: Studies in the Imperial Law of Late Antiquity*, eds. Jill Harries and Ian Wood, London: Duckworth, 1993, pp. 159-160, is an introduction to an essay on the Theodosian Code in Merovingian Gaul, but provides useful information concerning the development of the Visigothic Code, as well.

¹⁵ Roger Collins, *Early Medieval Spain: University in Diversity, 400-1000*, p. 26.

Germanic laws (*antiquae*), the Visigothic code's legislators implemented numerous new provisions (*novellae*). These new provisions addressed royal concerns with the movement of women, offspring, and above all, wealth, into the control of the ruling Visigothic minority.¹⁶ The Visigothic laws demonstrate how gendered imagery was enacted into law as a sign of "marriage," shaky though this "union" may have been. The special vehemence of the Visigothic laws concerning women and Jews suggests "disunity" and struggles for power, rather than harmonious marital *concordia*. Despite the marital rhetoric and gendered imagery through which the laws claim a new hegemony, the law code suggests the continuing instability of royal governance well into the seventh century.

After the deaths in 636 of Isidore and Sisenand (the king whose reign the Fourth Council of Toledo legitimized in canon 75), the Fifth and Sixth Councils of Toledo (636 and 638) attempted to bolster the sovereignty of Sisenand's brother, Chintila (636-640).¹⁷ Conciliar decrees legitimating royal power were of little help in stabilizing Visigothic rule. Although Chintila's son and successor, Tulga (640-642), ascended the throne, he held it for only a few years before he was deposed, tonsured as a monk, and incarcerated in a monastery by an opposing Visigothic faction.¹⁸ Chindaswinth (642-653), who led the revolt against Tulga's rule, held the Visigothic throne for more than a decade. He did

¹⁶ That wealth was a primary concern of the Visigothic ruling minority can be inferred from the inclusion in the mid-seventh century law code of the ancient division of property between Hispano-Romans and their Gothic conquerors, on the order of one-third to two-thirds, respectively. For example, see Visigothic laws X.1.8, LV X.1.9, and LV X.1.16.

¹⁷ E. A. Thompson, *The Goths in Spain*, Oxford: Oxford University Press, 1969, pp. 179-217.

¹⁸ *Ibid*, pp. 180-189.

so largely by eliminating his enemies and enacting legislation against conspirators and rebels with penalties of mutilation, death, and confiscation of property.¹⁹

Under Chindaswinth's guidance, the Seventh Council of Toledo (646) added ecclesiastical penalties for treason to civil ones.²⁰ Chindaswinth associated his son Recceswinth (653-672) in his rule, and during the latter's reign, the Eighth Council of Toledo (653) legislated that additional treason laws were necessary and salutary for the realm.²¹ Claimants to royal authority from opposing Visigothic factions appeared during the reigns of both father and son, and in 654, Recceswinth promulgated a unitary law code designed to constitutionalize royal authority over the kingdom's Gothic and Hispano-Roman populations.²² By the time the Recceswinthian law code appeared, political, religious, and social tensions between indigenous Hispano-Romans and their Visigothic conquerors had existed for more than two centuries, during which military uprisings by opposing Visigothic factions did little to enhance the kingdom's peace and security. It is the fear of disunity that is at the heart of the Visigothic civil codifications.

¹⁹ Ibid, pp. 190-199.

²⁰ *La colección canónica Hispana*, Vol. V, ed. Félix Rodríguez, Madrid: Consejo Superior de Investigaciones Científicas, 1992, pp. 336-364.

²¹ Ibid, pp. 365-485.

²² E. A. Thompson, *The Goths in Spain*, pp. 190-217.

VISIGOTHIC LAW: *SUI GENERIS*

Visigothic law differs from Roman law and from other Germanic codes in certain key areas, and contains a number of features that have prompted scholars to describe it as *sui generis*.²³ The first feature is a distinctly modified approach to the Roman principle known as *paterfamilias*, which refers to the rights and overall dominance of the father or male head of household. In classical Roman law, the related institution known as *patria potestas* granted a father rights of life and death over his family members, as well as the abilities to sell them into slavery and to utilize their property as his own. The two Roman legal principles granted the father possessory rights over the persons and property of his children, maintaining a general agnatic principle that privileged the male (agnatic) line over the female (cognatic) in inheritance, property, and guardianship matters.²⁴

In Visigothic law, the king takes the place of *paterfamilias*. He is the father of his people, the guardian of their rights, and the enforcer of their obligations. The code's provisions dealing with family law in Books III and IV depend upon the image of the king as the father and protector of his people in Book I.²⁵ The image of the king as a paternal entity with powers of life and death (*patria potestas*) over his subjects is most visible in the code's penultimate legislation, the anti-Jewish provisions of Book XII.

²³ P. D. King, *Law and Society*, p. 249.

²⁴ Antti Arjava, *Women and Law*, pp. 28 and 51.

²⁵ P. D. King, *Law and Society*, pp. 27, 31, and 33.

A second idiosyncrasy of Visigothic law is its lack of reliance upon the Germanic principle of extended kinship.²⁶ The Visigothic code is based on the principal of the nuclear family as the basic social unit, a feature that is apparent in Book I, where the king establishes himself as the father of his people, as well as in Books III and IV, which deal with family law. Just as Visigothic law modifies the Roman principle of *paterfamilias* and omits overt reference to the Germanic principle of *wergild*, it also lacks the *mundum* principle common to other Germanic codes (Anglo-Saxon, *mund*, meaning protection by the male head of the kin). Under this principle, a woman's person and property were held in perpetual guardianship by a male relative, who had rights to give or to withhold her in marriage and to administer her property as his own.²⁷

The Visigothic modification of the strict *paterfamilias* and *patria potestas* principles of classical Roman law and the relative absence of an explicit *mundum* principle of Germanic law have profound implications for the construction of the seventh-century code, its provisions governing marriage, inheritance, and sexuality, and its anti-Jewish legislation. These implications are apparent in the overall structure of the code as a public covenant, negotiated between ruler and ruled. They also appear in the

²⁶ Related to the absence of the extended kinship structure is the absence of feud, which was based on the kin group and its prerogatives in contemporary Germanic culture. The term *wergild* or "man payment," economic restitution based on the value assigned a person, gender, age, legal status, or wound – as a recompense for injury – exists as such in the Visigothic code only as a system of fines payable to the victim or to the royal fisc, depending upon the infraction. Trial by ordeal, also a feature of Germanic codes, is replaced in Visigothic law with documentary evidence and witness testimony, although the torture of slaves remains an accepted judicial procedure consistent with Roman law.

²⁷ Compare the Visigothic laws with, for example, those of the Burgundians, Lombards, and Salian Franks, all of which are available in English translations. *The Burgundian Code: Book of Constitutions or Law of Gundobad – Additional Enactments*, transl. and intro. Katherine Fischer Drew, Philadelphia: University of Pennsylvania Press, 1949. *The Lombard Laws*, transl. and intro. Katherine Fischer Drew, Philadelphia: University of Pennsylvania Press, 1973. *The Laws of the Salian Franks*, trans. and intro. Katherine Fischer Drew, Philadelphia, University of Pennsylvania Press, 1991.

specific provisions which deal with private, family law, and in laws that treat the interaction of Christian and Jewish religious communities as spheres of royal authority.

BOOK I: KING AS *PATERFAMILIAS*

The dominant figure of the Visigothic law code is the king, the self-styled giver of the law, who is also described as a father (*pater*) to his people and as a guardian (*tutor*) of their interests.²⁸ In order to establish the ruler as grantor of the law by divine right and framer of the covenantal agreement between king and subjects, the first book of the code deals with the necessary qualities of the law-giver, the duty of loyalty owed to the king by his subjects, and the king's corresponding duty to rule justly and mercifully.²⁹ Beginning with the first provisions, the language of marriage and parental duty appears in Book I. The first book of the code describes the law as ruling "the whole order of the city, every age of man, and thus it is given, as the woman is given to her husband, to

²⁸ For the ruler as a guardian (*tutor*) of his people, a father (*pater*) who is to rule them with love, and a king whose realm is to be ruled as the husband rules the wife, see LV I.1.8, LV I.2.3, and LV II.1.2; Zeumer, pp. 40, 41, and 48. On this topic, see also: P. D. King, *Law & Society*, pp. 27 and 31-33.

²⁹ All but the final provisions of the first Book of the law code draw heavily upon Isidore of Seville's *Sentences* and *Etymologiae*, suggesting that the bishop's influence on the constitutionalization of royal authority extended well beyond his presence at the Fourth Council of Toledo (633 A.D.) and his death (636 A.D.) For Book I's descriptions of the qualities appropriate to the legislator and definitions of the law derived from Isidore's *Etymologiae*; see Zeumer's commentary, *Lex Visigothorum*, pp. 38-42, and P. D. King, *Law & Society*, p. 30. At issue here is not the dependence of the law *per se* on Isidore's *Etymologiae*, which is well attested, but the influence of the marital rhetoric and gendered imagery contained in the narrative and conciliar sources discussed in previous chapters.

embrace in youth and in old age, for the wise as for the uneducated, it is held dear by the clever as [it is] by the simple.”³⁰

The code repeats this sentiment elsewhere. It describes justice and nature as being related to the law just as a man and wife are equally parents of the same child.³¹ The lawgiver (*artifex*) must rule over public matters with the love that he dispenses by his authority as a father, for as a father holds power over his own small children, so is he loved by them all.³² Despite the spousal and paternal imagery evoked in Book I, for a Visigothic ruler, the teleology of the law is straightforward, as the final provision, probably attributable to Chindaswinth or Recceswinth, indicates. Obedience to the law enables the prince to turn his attention to external conquests, since domestic peace frees him to do so: for “the concord of the citizens is a victory over the enemy.”³³ Domestic *concordia* is both the primary duty of the king and an important justification for the issuance of a unitary code of law.

³⁰ LV I.2.3, Zeumer, p. 41. “What the law does [rubric]: The law rules the whole order of the city, every age of man, and thus it is given as women (*feminis*) are given to their husbands (*maribus*), to embrace (*conplectitur*) in youth and in old age, for the wise as the untutored, it is held dear by the clever as by the simple ...” The provisions of this section are derived from Isidore of Seville’s *Etymologies*, II.10.5-6, according to Zeumer, p. 41, nn. 1-2. All translations in this chapter of provisions from Books I, II, and II of the Visigothic Code are mine, although I have consulted S. P. Scott’s English translation of the laws in connection with certain provisions from Books IV and XII. S. P. Scott, *The Visigothic Code*, Boston, Massachusetts: Boston Book Co., 1910.

³¹ LV X. 1.17 (Chindaswinth), Zeumer, pp. 389-390.

³² LV I.1.8, Zeumer, p. 40. “How the lawmaker (*artifex*) shall be in public as in private matters [rubric]: He shall be guided with love for the country in whatsoever public matters, [or] private matters are dispensed through his power as head of the household (*erili*); as the father of the community, let him hold this power (*dominium*) as the father does over his small children (*parvitas*), that he may be loved (*diligatur*) by all, and feared by the small (*timeatur in parvo*); to such an extent is he compensated, that none might fear their death and all might desire greatly to serve him.”

³³ LV I.2.6, Zeumer, p. 42: “How the law triumphs over enemies [rubric]: “[T]hus as the temperance of the law is the modesty of the prince, so is the concord (*concordia*) of the citizenry a victory (*victoria*) over the enemy. From the clemency of the prince [comes] the arrangement of the law, from the arrangement of the law the institution of morals, from the institution of morals the concord of the citizenry, from the concord of the citizenry the triumph over enemies.”

BOOK III: MARRIAGE AND PROPERTY

The provisions of Book III provided a means for Visigothic kings to exercise royal authority in both public and private affairs by controlling the flow of wealth between women and men, as well as between families and population segments. Both the marriage laws and the code as a whole were probably intended to benefit the Visigothic nobility, the social class of the royal lawmakers. The Visigothic population itself only accounted for a very small fraction of the peninsula's total.³⁴ It may even have been less numerous than the kingdom's Jewish population, and it is likely that both Visigoths and Jews intermarried with Hispano-Roman Christians. At any rate, canonical and civil legislation contemplates that they did. This dynamic of intermarriage suggests the possibility of conflicts over authority between the two minority populations that involved, among other things, disputes over women and wealth.

In Book III, many of the *novellae* or new laws express tension over the control of women and wealth. Given the kingdom's demographics, which are only approximations, Visigothic males were as likely to marry women from the Hispano-Roman Christian population as they were women from the relatively small Visigothic community. The mid-seventh century laws promote intermarriage between Visigothic and Hispano-Roman Christians, and the language of the family law provisions suggests a situation in which

³⁴ E. A. Thompson, *The Goths in Spain*, pp. 2-3, says only that the Goths constituted a "small proportion" of the population of Spain in the fifth century. P. D. King, *Law & Society in the Visigothic Kingdom*, pp. 6 and 169, has the Visigothic population as one to two percent of the population in fifth-century Gaul. Michael Kulikowski, *Late Roman Spain and Its Cities*, Baltimore: The Johns Hopkins University Press, 2004, p. 163, has the fifth-century "barbarians" constituting only a tiny fraction of the peninsula's population of five or six million.

women were at a premium. The law code's provisions governing the movement of wealth were in keeping with the Visigothic rulers' motives for religious, political, and legal unification, and were intended to channel Hispano-Roman property into the control of Visigothic males and their descendants.

Removing the Ban on Intermarriage

Book III, which concentrates heavily on the topics of marriage, betrothal, and property, opens with an ancient law (*antiqua*), supposed by Karl Zeumer (nineteenth-century editor of the *leges Visigothorum*) to have been one of King Leovigild's (560-587). This law removes once and for all the century-long prohibition on intermarriage between Visigoths and Hispano-Romans instituted by Euric in 476 and eliminated by Leovigild in 580.³⁵ Although this law suggests that the ability of Goths and Hispano-Romans to intermarry was an "ancient" right, for the religiously divided Gothic Arians and Hispano-Roman Nicenes of the late sixth century, the provision only had practical effect after the Goths' conversion to faith of the Hispano-Roman majority at the Third

³⁵ LV III.1.1 (*Antiqua/Leovigild*), Zeumer, p. 121-122: "Let it be as licit for a Roman woman to marry a Gothic man as it is for a Gothic woman to marry a Roman man (rubric). A solicitous care is discerned to be in the prince, when for future usefulness benefits are provided to the people; nor ought innate liberty to rejoice only a little, when the force of the ancient law weakened it shall be held to be abolished, whereby it incongruously preferred to divide persons in marriage, [and] the dignity in the man that used to pursue mates. From this, having adjudged those things advantageously, the past decision of the ancient law we sanction in this law [which is] to be valid in perpetuity: so that the Gothic man to the Roman woman, as well as the Roman man to the Gothic woman, if he shall wish to have a lawful marriage, and he having sought it beforehand by a most dignified petition, with his property thus subject, let him be married; and unimpeded, let also the freedman and the freedwoman, if he, with an honorable union, shall have wished to receive the right of lawful marriage, be solemnly committed with the required consent as always."

Council of Toledo in 589. That the provision had to be repeated in the code of 654 demonstrates that, despite religious unification, intermarriage may not have been universally accepted or practiced in the Visigothic kingdom. The language of this law also indicates the ongoing use of “Goth” and “Roman” to refer to the inhabitants of the realm as if they remained distinct communities, as Leander suggested they should in his treatise on virginity (c.579).

This law removing the prohibition on intermarriage between Goths and Hispano-Romans shows that the betrothal process was a necessary preliminary to lawful marriage, with a formal petition by the man to the woman or her parents, the giving of a dowry by the man to the woman, and the required consent of the parties and their parents to the union. In spite of the domestic harmony anticipated by the removal of the civil prohibition on intermarriage, neither betrothal nor marriage were untroubled by legal problems, as other laws show. The laws of Chindaswinth are concerned with the content of betrothal agreements and place limitations on dowries and gifts given to women and their families. Recceswinth’s enactments demonstrate a greater preoccupation with female sexuality and the legal status of males.

Betrothal

With both the sexual propriety of women and marital property in mind, a law of Chindaswinth indicates that wedding gifts cannot be revoked due to one party having

changed his or her mind about the proposed match.³⁶ The development of the betrothal agreement as a well-defined contractual arrangement also appears in this provision, which contemplates the importance of the exchange. The agreement cannot be reversed on improper grounds, such as a change of sentiment. Delaying tactics are also prohibited. Given that the larger share of gifts appears to have been furnished by the male to the female, a bride and her family stood to lose more financially if the engagement was broken, but both parties were thought by the legislators to have been served by fulfilling the promise to wed.

The betrothal pact appears to contain other ceremonial elements in addition to gifts. Two other features distinguish the betrothal agreement: the exchange of a ring, which was a sign of the pledge given by the parties, whether or not the betrothal agreement was reduced to writing, and the presence of witnesses to the betrothal ceremony.³⁷ According to the law, if the elements of the agreement are present, i.e. the exchange of a ring and/or gifts in the presence of witnesses, the betrothal is binding. In addition to the gifting and ceremonial elements of the betrothal process, written dowry

³⁶ LV III.1.3 (Chindaswinth), Zeumer, p. 124: “That the wedding gifts given shall not be revoked [rubric]. As we reflect upon the laws made in the past, we ponder most the well-considered limit to place upon future presumptions. Thus, because there are a great many, who, not remembering the definition of a nuptial pact of marriage made between betrothed persons, delay to fulfill [it], it is fitting for the permissiveness of such matters to be abrogated, so that no individual through his own volition should offer delay to another. And for that reason, we resolve that when they who are betrothed, or their parents or next of kin, shall have completed the agreement for their marriage before witnesses, and the ring (*annulus*) shall have been given in the name of a wedding gift and accepted, although the agreement has not been exchanged in writing, nevertheless a promise is violated [by delay]. Nor should it be permitted for one party to change his will whatsoever, if the other party shall not wish to proffer consent; but, the constitution of the dowry (*dos*) having been fulfilled according to another law, the festal solemnity of marriage (*nuptiarum*) is to be carried out between them ...”

³⁷ This understanding reflects Isidore of Seville’s description of the elements of a betrothal in *De ecclesiasticis officiis*, II.xx.vii-viii.

agreements between men and their proposed brides are contemplated at length in the *novellae* (new laws) of the seventh century.

Dowry

The lawmakers, no doubt aware of the disproportionate ratio of Visigothic men to Hispano-Roman women, clearly wished to limit the amount of dowry property a woman or her family could request, or that a man could offer, under circumstances in which women appear to have been at a premium. Citing the “often diverse intentions” that might arise between the parties concerning dowries, in another law of Chindaswinth, a man contemplating marriage is enjoined not to relinquish any more into a woman’s hands than one thousand *solidi*, although he might also give to her ten slave boys, ten slave girls, and twenty horses.³⁸ If the betrothed woman marries and does not produce

³⁸ LV III.1.5 (Chindaswinth), Zeumer, pp. 126-127: “Concerning the quantity of dowry goods to be set down in writing [rubric]. Since often diverse intentions may arise among those marrying concerning dowries, let the decision be for the utility of the greatest personages, and if the institution of this matter is untrustworthy, let him relinquish nothing more. Therefore we decree this to be served in perpetuity and we reckon with the sanction of this law, so that whomsoever from the nobles of our palace or the elders of the people of the Goths shall propose the joining in marriage with the daughter of another or a widow of whomsoever you please to his own son, or anyone from the aforesaid order of persons shall elect to seek out a wife for himself, let him not confer or give in writing more in title of dowry goods in the name of a girl or woman, all the goods being given shall reasonably equate to the price of one thousand *solidi* in value, and also above this he may give ten boys, ten girls and twenty horses, the liberty of which is conceded to him to be given and to be set down in writing. Thus so that concerning all these matters the woman shall be assumed in marriage, and if she has not left children, she shall not have the license to do freely whatever she shall wish with the property, or if she shall have died intestate, let her return the donation to her husband or to his next of kin as heirs. And if perhaps, according to what we recall to have been decreed in the laws of the Romans, as much as a girl or woman shall choose to give to the husband from their own goods, thus shall the same woman seek to be given to herself. If it is alleged that the husband is bound by anyone at the time of writing [the betrothal agreement] or of the sacramental bond of marriage, to give more than what this laws shows to be permitted, he is afterward by this law able to break [the agreement] or to reduce [the dowry] with the power of his own free will. Certainly if the man now

children, or dies intestate, this law orders the dowry returned to the husband and his family.

Situated among the *antiquae* that restate Roman principles of marriage and property, this new law of Chindaswinth essentially overturns the Roman legal principle of dowry as a woman's sole property. The provision concludes by stating that sanctions shall persist until the "great controversy" subsides. What constitutes such a controversy with regard to the abrogation of a fundamental Roman legal principle is unclear. The dispute over the value of dowries given by men from the Visigothic nobility probably refers to wives sought from among the Hispano-Roman majority. This explanation also serves to clarify the "diverse intentions" that the provision cites in connection with dowry agreements.

Marital Agreements and the "Power of Conjoining"

The provisions of Book III suggest that the production of offspring and movement of wealth for the benefit of Visigothic males are important elements of the mid-seventh century betrothal and marriage legislation. Further evidence of this occurs in a law of Recceswinth, which confirms the supposition that the movement of marital property on a larger scale between Visigoths and Hispano-Romans is at issue. This law requires

having a wife, and if you please having a marriage conducted for one year, for love or the merit of conjugal obedience shall elect to give something else to her, he shall have license without delay. But nothing else within the cycle of the first year shall a husband be able to give in writing to his wife or the woman to give in gift to the husband, except the dowry, unless in danger of grave infirmity he expects his own death to be imminent. And thus this constitution concerning the title of dowry will persist in the law until the great controversy subsides."

marriage agreements to be written in order to be enforceable, placing them among the rank of contracts generated for business purposes, and altering the classical Roman principle that intent and capacity were the only requirements for legal marriage.³⁹ These numerous Visigothic provisions suggest that betrothal agreements might be executed by persons, who were assumed to be adversarial parties with disparate and even conflicting goals.

In another provision that enacts images of women and wealth into law by moving women and wealth from the Hispano-Roman majority into the control of the Visigothic minority, Recceswinth legislates the kinds of betrothals that are inappropriate, both *de facto* and *de iure*, and should not result in marriage, even with the proper consent of the parties and their parents.⁴⁰ In this law, the king reserves for himself the ultimate “power of conjoining” (*potestas coniunctionis*) persons (and thus families) in marriage over that

³⁹ LV III.1.9 (Recceswinth), Zeumer, pp. 131-132: “That concerning whatsoever dowry goods shall have been attested in writing, let it [the written agreement] obtain further validity [rubric]: When any, whether for themselves, or for their child, or even their next of kin, seeks the bond of marriage, whether concerning their own property or the things gathered in the gift of the prince [among nobles], even whatsoever lawful booty conquered according to the way of the law, let him have the power of giving it to be written in the dowry [agreement]. Moreover, whatsoever shall be written down in a legitimate dowry [agreement] shall have full enforceability.”

⁴⁰ LV III.1.4 (Recceswinth), Zeumer, pp. 124-126: “Thus the law of nature is transmitted in direct hope of further procreation, when the concord (*concordia*) of complete faithfulness (*foedus totius*) is ordained in the solemnities of marriage (*nuptiarum*). ... For with men, that matter shall have given a name to what by force they do to women (*feminas*), those who through attempts repugnant to nature place little girls (*puellulas*) with husbands (*maribus*), while they join (*iungant*) adolescents in the bond (*copula*) of betrothal with infants, and thus at the time of a preposterous age with the advantage of honor dispersed, they think immodesty hidden, while the more avid [men] and those of the greatest age expect a harvest of girls (*puellarum*). ... For neither shall it be able to be born in the concord of peace, what is known to have been inseminated through the discord of origin. ... So thus evilly ordained the propagation of generations is reduced to an illicit handing over [for marriage], and with the sanction of this law determined, let women of lesser age always be betrothed in matrimony (*matrimonium*) with men of greater age. ... The woman (*mulier*) moreover, who is known to have had either one or more husbands (*maritos*), [and] after the death of the same, [betroths herself] to another man in the adolescence of his years, or to one who has not had a wife, or to one whose life has forsaken one or more marriages, it shall be illicit for this woman honorably to wed anyone whomsoever legally.”

of the father. Repeating the Augustinian definition of marital union for the procreation of children and the establishment of a “concord of peace” (*concordia pacis*), an exception to the binding nature of betrothal occurs when older women wish to marry younger men, or when men “through attempts repugnant to nature, hand little girls over to husbands” (*per repugnantia naturae conamina maribus puellulas anteponant*). The law provides relief on such occasions, so that if one of the parties to the match wishes to withdraw from it on the basis of age or mental or physical condition, he or she may do so.

This same law expands the focus on Recceswinth’s primary concerns: female sexuality and male status. It stipulates that in order to avoid a mismatch which might result in weak offspring, younger women are always to be betrothed to older men. In addition, to avoid impropriety, previously married women are not to join themselves with younger unmarried men. If they do so, the women are prohibited from marrying anyone at all. These age and maturity provisions serve to bolster the maintenance of domestic authority and wealth in the hands of older males, the most powerful of which is the king himself.

The mid-seventh century laws of Chindaswinth and Recceswinth focus on marital agreements, dowry property, and the production of offspring under the control of older males in unions with younger females. The laws contemplate that Gothic males should marry outside their “people” (*gens*). It is likely that these provisions attempt to direct the flow of women’s wealth from Hispano-Roman hands into Visigothic control. These marriage and betrothal laws make particular reference to mixed marriages, unions which

the first provision of Book III contemplates and which seem to have been foremost in the minds of the Visigothic legislators.

Sexuality and the Betrothed, Married, or Widowed Woman

To the legislators, a significant aspect of the betrothal and/or marriage bond was the sexuality of married and unmarried freeborn women, with particular emphasis on virgins and widows. Not only was faithfulness an essential element in the theology of Christian marriage, but the competition for freeborn wives appears from the extensive provisions of the Visigothic law code to have been keen. Female sexuality is much at issue in the approximately fifty laws which treat adulterous relationships (*adulterium*), abduction and/or rape (*raptus*), prostitution (*meretricium*), and sexual debauchery (*stuprum*).

Illicit Marriages

The first title of this series, *De nuptiis inlicitis* (*Concerning illicit marriages*), is composed mainly of seven *antiquae*, which restate late classical Roman law on the impropriety of unequal status marriages. One law of Chindaswith prohibits slaveowners from committing fraud by marrying their male slaves to free women, and grants the

property and children of such a union to the woman outright.⁴¹ This suggests that free women were at a premium and were too scarce for the lawgivers to relinquish to improper unions.

Rape

In addition to a concern for unequal status marriages reminiscent of late classical Roman law, many of the Visigothic marriage laws devote substantial attention to abduction and rape, both of which are described by the verb *rapere*. The number and detail of these laws suggest that the seizure of women was considered a serious disruption of public order, since feuds could easily result.⁴² Judith Grubbs has suggested that *raptus* continued to be addressed in Germanic law, because it was apparently a viable marriage strategy.⁴³ Although the Visigothic law code of the seventh century tries to impose harsh enough penalties to eradicate abduction and rape, the number of laws against these crimes suggests their persistence. With women at a premium, the provisions largely judge the crime of rape to be a common and adversarial male act against other males.

The title of this series *De raptu virginum vel viduarum* (*Concerning the seizure of virgins and widows*), indicates the categories of unmarried women that poses the greatest

⁴¹ LV III.2.7 (Chindaswinth), Zeumer, pp. 137-138: "If lords marry their own slaves (who believe themselves to be freeborn) to freeborn women [rubric]. Depravity by the daring is to be resisted, lest they are relaxed in the curb of even more depravities. For many more, with the keen seduction of cupidity, are accustomed meanwhile to deceive with depravity freeborn women and girls, and at the time their slave men appearing (*simulantes*) to be freeborn men, they (the women) are exhorted to receive those husbands, who afterward, with their children having been born, they (the lords) are easily able to reduce to servitude."

⁴² Judith Evans Grubbs, *Law and Family in Late Antiquity*, pp. 185-187 and 191.

⁴³ *Ibid.*, p. 193.

concern to the Visigothic legislators. This series of twelve laws contains six *antiquae* and an equal number of *novellae* attributed to Chindaswinth and Recceswinth. The *antiquae* (ancient laws) institute statutes of limitations (30 years), provide for subjection of the rapist to the tender mercies of the woman and her family, legislate in the event of a marriage between rapist and victim,⁴⁴ and justify deaths that might occur during a botched rescue attempt.⁴⁵ In contrast, the laws of the seventh-century Visigothic kings concentrate on the relative legal status of the perpetrator and the victim, with an emphasis on the rights of the injured male party, namely the female's male relatives or betrothed. In a law of Recceswinth, if a woman's family has somehow participated in her abduction, they suffer harsh penalties as accomplices to the crime, primarily because her lawful fiancé has been defrauded by their actions.⁴⁶

Adultery

In Visigothic law, after rape, one of the most serious crimes involving women is that of adultery, a sexual relationship between a betrothed or married woman and a man other than her husband or fiancé. In this series, *De adulteriis* (*Concerning adulteries*), eighteen laws set out the penalties for adultery in a wide variety of circumstances.

⁴⁴ LV III.3.1-7, (*Antiquae*), Zeumer, pp. 139-142.

⁴⁵ LV III.3.6 (*Antiqua*), Zeumer, p. 142. "If concerning ravishers anyone is killed [rubric]. If anyone among the ravishers shall have been killed, it shall not be held to be homicide, [since] what is committed on behalf of chastity is to be defended."

⁴⁶ LV III.3.3 (Recceswinth), Zeumer, p. 141: "If the parents consent to betroth a girl to the ravisher [rubric]: If the parents shall have consented to the raptor of their daughter for a price, with which a prior fiancé is known to be constituted, in quadruple it is acknowledged that the same shall be paid to the same fiancé."

Fourteen of these laws are *antiquae*, which reflect the concepts of late classical Roman law and avenge the husband for his wife's betrayal with another man. The remaining *novellae* are interspersed among statements of ancient Roman legal principles, but they contain a specifically Visigothic twist, with their emphasis on the reversion of offspring and women's property to male control. Significantly, all four of the new laws concerning adultery were enacted by Chindaswinth and Recceswinth, and none were enacted by subsequent Visigothic kings.

The two laws of Chindaswinth in this section are concerned with the property of the adulterous woman. The first turns the goods of the wife and her partner in adultery over to her husband and prohibits the husband from having sexual or other conjugal association with her henceforth.⁴⁷ In the second law, Chindaswinth also devotes a substantial amount of attention to the methods for accusing, inquiring into, and convicting women of adultery. This law grants particular license in the matter to the husband's relatives, since he himself may be bewitched by the adulterous wife and incapable of pursuing his own remedies.⁴⁸ This law also contemplates that the husband's

⁴⁷ LV III.4.12 (Chindaswinth), Zeumer, pp. 151-152: "Concerning the goods of the adulterous marriage [rubric]. In the past we recollect that it was constituted with the sanction of the law that the adulterous woman and the adulterer ought to have been handed over to the husband equally; although, because concerning the goods of them often it happens [that] magistrates waiver, for that reason especially the necessity is on record to resolve, if the adultery of the wife with a man shall have been apparent manifestly determined, and both the adulteress and the adulterer from a prior marriage shall have had no legitimate children, all the inheritance of them both is adjudged to the husband of the adulterous woman along with the persons of both adulterous parties. ... In no way beyond this point should the husband have license either to be fornicated with her or for her to be associated with him in marriage. For if he shall have done so, by that man nothing whatsoever of her goods should be held; moreover, all the woman's goods, whether she has legitimate children, or she lacks children, he should distribute to her heirs in totality."

⁴⁸ LV III.4.13 (Chindaswinth), Zeumer, pp. 152-155: Concerning persons, to whom it is conceded to accuse of adultery, and how it is ordered for it to be sought into and convicted [rubric]. Meanwhile, because certain wives, having polluted themselves and their husbands by the abomination of adultery, with

relatives should receive one-fifth of the adulterous woman's property for their trouble. Significantly, if the next of kin do not prosecute the matter, the king reserves the right to do so in their stead. Here the crown is deliberately inserting itself into adultery accusations when such accusations are forthcoming neither from the husband, nor from his next of kin. This is an extraordinary intrusion of royal power into private affairs. With it, a Visigothic king could make public the domestic travails of any male householder and attach the property of any married woman to the royal fisc.

Incest, Apostasy, and Homosexuality

In Title V, *De incestis et apostatis adque masculorum concubitores* (Concerning incests and apostates and also the lying together of males) five new laws (*novellae*) treat illicit sexual relationships, including incestuous marriages and adultery,⁴⁹ incestuous relationships with consecrated virgins or widows,⁵⁰ men or women in religious orders

certain potions or with spells of magic they precipitate and alienate the minds of their same husbands, so that they (the husbands) shall not be able neither to accuse nor to defend the known adultery of the wife, nor to separate from the consort of adultery nor from the love of the marriage ..."

⁴⁹ LV III.5.1 (Chindaswinth), Zeumer, p. 159, "Concerning incestuous marriages and adulteries [rubric]," defines incest as sexual relations between men and women within the sixth degree of consanguinity.

⁵⁰ LV III.5.2 (Reccared), Zeumer, pp. 159-160, "Again concerning incestuous marriages and adulteries, or sexual union (*coitu*) whether with sacred virgins or widows or lay penitents in mourning dress [rubric]. It is our royal duty to promulgate laws to be enforced throughout all the provinces of our kingdom, to the end that crime may be prevented in the future, and that justice may put an end to the deeds of many wicked persons, who in defiance of the admonitions of divine law, and in opposition to the honorable duties of life, are accustomed, either by violence, or with consent, to contract marriages with virgins who have been devoted to the service of God, ... or with other women related to them ..." This law probably repeats Reccared's king's injunction at the Third Council of Toledo (canon 10) against men forcing ecclesiastical widows and virgins into marriage.

abandoning vows of chastity with laypersons,⁵¹ male homosexuality,⁵² and sexual relations with a father's or brother's concubine.⁵³ In these seventh-century provisions against sexual debauchery (*stuprum*), Chindaswinth's chief concerns are financial, as in previous laws, and he grants the property of incestuous persons or apostates to their children or nearest kin.⁵⁴ A single law in this series is one of Reccared, the late sixth-century Visigothic king who participated in the Third Council of Toledo. This law prohibits incestuous relationships, particularly with consecrated virgins or widows.⁵⁵

Consistent with prior laws, these provisions indicate the lawmakers' concerns, possibly addressed to the Visigothic nobility, that endogamy has variously resulted in incest, improper sexual relationships with women vowed to chastity, or adultery with the

⁵¹ LV III.5.3 (Chindaswinth), Zeumer, pp. 161-163: "Concerning men and women prevaricating in the tonsure or dress of religious persons [rubric]. ... And, since women are more frequently involved in the fraud of apostasy, we hereby decree that whatever is given by a man to his betrothed, or to his wife, before or after marriage, in the form of a dowry, shall belong, not to the heirs of the wife, but to the heirs of him who gave the dowry. Persons guilty of such offences shall not have the right of accusing any one, or of testifying, or of pursuing any foreign business; because they cannot be faithful in worldly affairs, who have been proved guilty of sacrilege in holy devotion."

⁵² LV III.5.4 (Chindaswinth), Zeumer, p. 163: "Concerning the degradations of males [rubric]. That crime must not be unpunished which, in the violation of customs, has always been considered most execrable; when their guilt has been proved after proper investigation by the judge, both parties shall be emasculated without delay and delivered up to the bishop of the diocese where the deed was committed for sequestration so that they may expiate the crime which they are convicted of having voluntarily perpetrated. ... The children, or legitimate heirs of married men who have been found guilty of this crime, shall have their property; and it shall be lawful for their wives, having received back their dowries, and retaining all their possessions, afterwards to marry whomsoever they wish."

⁵³ LV III.5.5 (Chindaswinth), Zeumer, pp. 163-164: "Concerning violations of the paternal and also of the fraternal bed [rubric]. It was decreed by a former law what should be done in cases where incest was committed by persons related by blood. And because it is of no less importance that the bed of the father or brother should be not polluted, we command, in addition, that no blood relative shall ever commit adultery with the concubine of his father or his brother, nor with anyone whom his father or his brother shall have known or likewise shall have adulterated, whether she be a freedwoman or a slave; nor shall the father most disgracefully pollute a woman adulterated by the son. And if anyone should knowingly commit such an offence, his heirs, if he has no legitimate children, shall obtain his property; and he himself shall be subjected to penance, and shall undergo the punishment of perpetual exile."

⁵⁴ Zeumer implies that endogamy among Visigoths is perceived by the lawmakers to have resulted in incestuous unions, p. 160, n. 2.

⁵⁵ LV III.5.2 (Reccared), Zeumer, pp. 159-160.

concubines of family members. The laws on betrothal, marriage, and disruptions to legal unions also suggest royal concern that marriage and the wealth it conveyed through females should be rechanneled into male, Visigothic control. As the next sub-section indicates, disruptions of marriage that involved separation or divorce were not contemplated favorably, but the major focus of the lawmakers was to legislate divisions of wealth between disaffected parties.

Separation and Divorce

The overwhelming majority of Book III's provisions contemplate a wide variety of licit and illicit sexual unions, but only three laws address divorce or separation. Two treat divorce and one the separation of betrothed persons. In the first, an *antiqua*, no man may legally marry a free woman who has been repudiated by her husband, unless he has proof of their divorce.⁵⁶ Where the parties are nobles - and as in previous laws, this probably refers to Goths - the king is to be apprised of the situation, suggesting that judges deferred to royal justice in high status cases. The wife whose husband left her

⁵⁶ LV III.6.1 (*Antiqua*), Zeumer, pp. 166-167: "If a woman suffers a divorce from her man justly or unjustly [rubric]. No one can legally marry a freewoman who has been repudiated by her husband, unless he knows that they have been divorced, either by written evidence, or in the presence of witnesses. And ... where the parties are noble, and the judge is unable to imprison or separate them; he must straightway bring the affair to our (*sc.* royal) attention, that they may receive the punishment which they deserve. But if they are persons of inferior rank, the judge shall immediately cause them to be separated. ... If, however, the case between the former husband and his wife has not yet been decided, or if her former husband has married another woman, or, indeed, if he has left his wife unjustly; he shall lose the dowry which he gave her, and it shall absolutely belong to her, nor shall he be entitled to receive any of her property. If he should have sold, or fraudulently disposed of, any of the property of his wife, the judge shall compel him make restitution. Where the woman, through fear of her husband, or deceived by any of his representations, should have made any written agreement concerning her property for his benefit, her agreement shall be null and void, and all the property which it disposed of shall be restored to her."

unjustly or had already remarried could recover her dowry, along with any property coerced from her by her former husband.

The second law on divorce, one of Chindaswinth, modifies the first, by stipulating that no man could divorce his wife or abandon her, except for her fornication with another man.⁵⁷ As in the previous law, no man could coerce a divorce from his wife without losing all his property to her, and the man who divorces and remarries under these circumstances is liable for exile or perpetual servitude to the king. This law also considers the king's involvement in a woman's divorce from her husband, but prohibits royal intervention in such matters. The third and final law of Book III reiterates the prohibitions on breaking an engagement unilaterally after the dowry has been given or the agreement drawn up in writing, with the exception that if one of the parties, being ill,

⁵⁷ LV III.6.2 (Chindaswinth), Zeumer, pp. 167-169: "Lest there should be a divorce between married persons [rubric]: ... For the reason that there are many reckless men who, either through ambition or desire, or induced by some fraud, and despising their own wives, seek those of others, we therefore decree by this law, which is to be perpetually observed; that no man, except for the manifest cause of fornication, shall at any time, leave his wife, nor shall he divorce himself from her, either in the presence of a witness, or by any instrument in writing, or under any pretext whatever. ... But if, under any other circumstances, a man, rejecting his wife, should fraudulently obtain from her a document in writing, relating to a separation, such document shall have no validity whatever, and the wife shall be entitled to recover the sum she received as a dowry; and if the unprincipled husband should have any property, it shall be given to their children. ... All the children either by this marriage or by a preceding one of the husband, shall, as we have said, share equally in the property. ... Where a husband, for the sake of divorce, or for security to himself, extorts any instrument in writing from his wife, or, without doing this, having abandoned his wife, should marry another; he shall receive two hundred lashes in public, and shall be scalped, as a mark of degradation, or he may be condemned to perpetual exile, or be given as a slave to any one whom the king may select. ... And, for the reason that women are accustomed very frequently to cause scandal by leaving their own husbands, on account of their attachment to kings and judges; therefore, we decree that if any woman either by the aid of the king, or through inducements held out to her by anyone else, should separate from her husband, or consent to marry another man; she shall be surrendered, with all her property, into the hands of her lawful husband, and shall be liable to the same penalty imposed upon the husband under similar circumstances, as hereinbefore stated, and her property shall be disposed of in a similar manner."

wishes to enter a monastery or religious order, he or she may do so, having returned the dowry or paid the proper compensation.⁵⁸

One of the problems addressed most concretely in Book III's many marriage provisions, and subsequently in Book IV's provisions concerning inheritance, is the transfer of property between families and generations. In these laws, the tension over property rights is apparent in treatments of dowries, marital gifts, testamentary bequests, and guardianship as the following section will show. The evidence of the laws suggests a negotiation for power and wealth between the Visigothic minority and the Hispano-Roman majority. This theme is the subject of discussion in the following section on inheritance and guardianship.

BOOK IV: INHERITANCE AND GUARDIANSHIP

Inheritance

In circumstances where seventh-century Visigothic kings address contemporary political instability by promoting intermarriage between Goths and Hispano-Romans, the provisions of Book III provide greater benefits to males in terms of offspring and conveyance of property. In contrast, Book IV's equal rights of inheritance and broader

⁵⁸ LV III.6.3 (Recceswinth), Zeumer, p. 170: "Lest there should be a separation between betrothed persons [rubric]."

definitions of consanguinity grant a wider and more attractive scope for females to possess inherited wealth. These considerations were probably intended to facilitate an increased number of matches between Hispano-Roman and Visigothic Christians, a persistent theme of the primary sources. This theme was contemplated negatively in Leander of Seville's treatise on virginity and somewhat more ambivalently in Isidore's *History of the Goths*. This theme was also one of the primary considerations in the religious unification initiatives at the Third Council of Toledo and in the anti-Jewish legislation that appeared in the political unification agenda at the Fourth Council of Toledo.

In this context, marriage and inheritance were matters of crucial concern about which the seventh-century lawmakers were intent on legislating every possible scenario, particularly women's sole control over dowry property. Related to the laws concerning marriage and property contained in Book III are the provisions concerning inheritance and guardianship that constitute Book IV of the Visigothic code. The Visigothic laws governing inheritance can be distinguished from both Roman law principles that grant legal parity between male and female heirs only in the event of intestate succession, and from contemporary Germanic law codes that grant primary succession only to males in the most direct line of descent.

Equal Inheritance Rights

The first Visigothic law of inheritance states that male and female children inherit equally from an intestate parent, reflecting Roman legal principles of late antiquity.⁵⁹ This principle of equal succession is restated twice more for emphasis in two seventh-century laws of Chindaswinth. In these two laws, the principle of equal succession between male and female heirs in the most direct line evolves to the point that it applies to the property of all next of kin, not just to the property of parents.⁶⁰ In an even more significant departure from Roman law, neither of these two Visigothic provisions mentions the requirement of intestacy for females to inherit equally with their male relatives within the same degree of consanguinity.⁶¹

⁵⁹ LV IV.2.1 (Antiqua), Zeumer, p. 177: "Brothers and sisters shall share equally in the inheritance of their parents [rubric]: If the father or mother should die intestate, the sisters shall have the property equally with their brothers." In a footnote to this provision, Zeumer attributes it to the laws of the late fifth-century Visigothic king, Euric; this so-called Code of Euric exists today only in fragments.

⁶⁰ LV IV.2.5 (Chindaswinth), Zeumer, p. 175: "Concerning the succession of brothers and sisters or of those who are generated from different parents [rubric]: Whoever leaves only brothers and sisters, in the inheritance of him brothers and sisters should succeed equally; especially if they appear to be children of one father and mother. But if they are known to be from another father or another mother, each and every one of his brothers or sisters, who are born from one father or from one mother, let them follow in the inheritance."

LV IV.2.9 (Chindaswinth), Zeumer, p. 177. "A woman shall be entitled to a share in an entire inheritance [rubric]: A woman shall inherit, equally with her brothers, the property of their father or mother, of their grandparents on the paternal and maternal side, as well as of their brother and sisters, and also any property which is left by a paternal uncle or cousin or nephew or niece. For it is just that what the propinquity of nature associates, the order of hereditary succession should not divide."

Also, LV IV.2.10 (Antiqua), Zeumer, p. 177: "As a woman has a right to a share of an entire inheritance, so he who is next in succession shall inherit the remainder of the property [rubric]: Women shall share all property left by relatives on the maternal side, with those in the same degree of relationship, ... for those should have the inheritance who are the most nearly related to the deceased ..."

⁶¹ LV IV.1.7, Zeumer, pp. 172-173. "The persons in the seventh degree who are not mentioned by the laws [rubric]: ... There exist, then, seven degrees of relationship, and no more, because, according to the nature of things, names could not be found for others, nor more heirs be begotten in the space of an ordinary lifetime ..."

As a consequence of these laws, an important legal right appears in the Visigothic Code, which grants legal parity to women in matters of inheritance among blood relatives to the seventh degree of consanguinity. In this relationship scheme, the seventh degree encompasses all descendants from great-great-great-great grandparents through their direct lines, and gives women much broader scope to inherit from a wider array of kinship relations.⁶² Within these degrees, which repeat Isidore of Seville's definitions of consanguinity in the *Etymologies*,⁶³ spouses, who are not considered blood relatives, can only inherit from one another when they have no surviving kin. The limits of the seventh degree of kinship, nevertheless, provide far broader legal and financial benefits to women than either Roman law or contemporary Germanic codes.

Concern with women's access to wealth appears in other provisions that provide more parental property to women in order to equalize the shares that men receive for dowries to their brides. Women with brothers are to receive a share of the parental estate equal to the dowry given to the brother before the equal distribution is made from the parents' property. Dowries are part of a man's inheritance here (as they were for women in classical Roman law). In these laws, sisters or younger siblings receive a share of the parental estate equal to the dowries bestowed on elder brothers before the remainder of the property is divided equally among them.⁶⁴

⁶² Ibid. Zeumer attributes the consanguinity laws to the legal Breviary promulgated in 506 A.D. by the Visigothic king, Alaric. The Breviary of Alaric, also known as the *Lex Romana Visigothorum*, drew heavily on the Theodosian Code, issued in 438 A.D.

⁶³ Isidore of Seville, *Etymologies*, IX.ii.xxviii; IX.v.vi-vii; IX.vi.xxviii.

⁶⁴ LV IV.5.3 (Chindawinth), Zeumer, pp. 199-200: "What property parents should bestow upon their children at the time of their marriage [rubric]: ... After the death of the parents an inventory shall be made and the property which was donated at the time of the [children's] marriage shall be appraised, and the

The Visigothic laws demonstrate some flux in inheritance legislation. Their placement after marriage laws suggests that inheritance was a weightier subject about which the kings were more tentative in their approach. The grant of broader inheritance rights to women also suggests that royal attempts to channel dowry property in Book III were problematic. Inconsistencies on the question of dowry possession appear in Book IV. Similar confusion and ambiguity appears in guardianship provisions. Unlike Roman law, these Visigothic guardianship provisions seek to establish paternal rights over maternal ones. They do so with scriptural references and justifications for a father's rights that should require no justification in the context of the period. The fact that such justification appears at length suggests that intermarriage, inheritance, guardianship, and control over women, progeny, and patrimony were disputed matters concerning which the Visigothic lawgivers exercised uncertain power.

Guardianship, Progeny, and Patrimony

In their focus on marriage as a social institution with political and religious implications, Visigothic inheritance laws governing the orderly transmission of property were ill-disposed toward widowed parents who remarried after the death of a spouse, because the children's inheritance might be endangered by a step-parent. In these and other provisions, guardianship is closely related to inheritance, since the law

other heirs shall receive an equivalent in value to the amount of said property and all shall then share equally in the remainder of the estate of the parents."

contemplates the need to supervise the persons and property of a deceased parent's minor children. Guardianship matters were apparently contested, however, as two versions of a law intended to govern paternal guardianship rights demonstrate.⁶⁵

Paternal Authority

The "ancient" version of the guardianship provision provides that the father might have control over the persons and property of his children in the event of remarriage only if he is willing to draw up an inventory of their property in the presence of witnesses. The law in this iteration stipulates at what age (20) and condition (married or unmarried) the son and daughter should equally inherit their deceased mother's property, and protects their interests from encroachment by successive wives and their children.⁶⁶

⁶⁵ Both the so-called ancient version of the law (labeled LV IV.2.13 in Zeumer's edition) and Recceswinth's seventh-century restatement of it (labeled LV.2.13* in Zeumer's edition) exert substantial effort to establish a principle already so firmly entrenched in Roman and Germanic law that it should have needed no justification, namely, the father's right to govern the persons and property of his own children.

⁶⁶ LV IV.2.13 (*Antiqua*), Zeumer, pp. 178-180: "After the death of their mother, children shall remain under the control of their father; and what disposition he may make of their property [rubric]: If the mother should die, the children shall remain under the control of the father. ... If however, the father should marry again, he shall not relinquish the care of the children ... but he must at once draw up an inventory of their property in his own hand in the presence of a judge or his wife's heirs. ... And if either his son or daughter should marry, they shall at once receive their portion of their mother's estate; excepting the third part, which he may reserve for himself, as authorized by law. The father, as soon as a son or daughter has reached the age of twenty years, shall give to them half of what they are entitled to from their mother's estate, provided that they should not have already married. The remaining half the father shall reserve for himself during his lifetime, and after his death, it shall descend to his children. ... When the father has alienated any of the aforesaid property or has retained it beyond the time prescribed by law, everything belonging to his children by right of inheritance from their mother shall be given to them at once by way of complete restitution." Zeumer claims in a footnote to this provision that it is a law of Recceswinth, but he nevertheless labels it an *antiqua* or ancient law.

Somewhat unnecessarily, this *antiqua* is reinforced by a *novella* of Recceswinth,⁶⁷ which cites a number of scriptural texts concerning the obligation of children to their father and a father's right to conserve wealth during his own lifetime.

Basing itself on the Old Testament authority of David and the wisdom of Solomon, this *novella* of Recceswinth enforcing the guardianship rights of the father is a revision of the "ancient" law that precedes it. Its unusual content begs two questions. First, in a law code that reflected many of the principles of Roman law, why was it necessary to reinforce a father's right to the guardianship of the persons and property of his own children with quotations from Scripture and references to the authority of biblical kings? Second, in what circumstances might this reinforcement of male domestic authority have been necessary?

Few Visigothic laws include scriptural quotations. The inclusion of numerous biblical references in Recceswinth's restatement of the law of paternal guardianship makes the provision of more than passing interest. Referring to a father's potential remarriage and the presence of a stepmother, Reccared's provision rhetorically addresses the children of the deceased mother. Biblical references indicate that the lawmaker's aim is to persuade the children of the deceased mother, again being addressed

⁶⁷ LV IV.2.13* (Recceswinth), Zeumer, pp. 180-182: "So that after the death of the mother the children being safeguarded (*tuendi*) should remain in the power (*potestate*) of the father, even if the father has married (*superduxerit*) a stepmother (*novercam*); and what concerning the property (*rebus*) of the children the father may bring together according to the manner of the previous law [rubric]: ... with Solomon saying: 'Why, my son, should you depart from (*seduceris*) one woman and cherish another? [Prov. 5:20]' and again: 'Whoever takes anything from his father or mother, and says this is not a sin, he is a participant in homicide, [Prov. 28:24]' and again: 'The eye that mocks the father and scorns that gained (also, offspring, *partum*) of his mother, will be pecked out by the torments of a raven (also, hanged, *corvi*), and eaten by the sons of eagles (also, the symbol of imperial authority, *aquilae*)' [Prov. 30:17], and assuredly that: 'For it is better, that your children should ask from you, than that you should look to the hand of your children' [Sirach 33:22] ..." [NRSV].

retorically, of the impiety of withdrawing their property from the father's use. Reference is made to the Old Testament figure of King David: "As a father of children is made merciful, so the Lord had mercy for those fearing him."⁶⁸ It is followed with two allusions to Proverbs. The first is: "A wise child loves the discipline of his father."⁶⁹ The second is: "My child, help your father in his old age, and do not grieve him as long as he lives."⁷⁰ Quoting six additional scriptural verses and invoking a divine command (*Domino ordinante*) to him personally, Recceswinth orders that the property of the deceased mother should remain in the power of the father.⁷¹

Maternal Authority

In contrast to the rights of the father expressed in the *novella* of Recceswinth, a third law states that a mother must remain a widow in order to administer the property of her children and to enjoy the income from their share of her deceased husband's estate. This is an unequal treatment under the law of inheritance. Upon her remarriage, she relinquishes all claims to her deceased husband's property, which she must distribute to their children immediately. In such an event, she must also place her children in the guardianship of another male, preferably from her deceased husband's family.⁷²

⁶⁸ LV IV.2.13* (Recceswinth); Psalm 103.13 [NRSV]; [Vulgate, 102.13].

⁶⁹ LV IV.2.13* (Recceswinth); Proverbs 13 :1 [NRSV].

⁷⁰ LV IV.2.13* (Recceswinth); Sirach 3:12 [NRSV].

⁷¹ LV IV.2.13* (Recceswinth); Sirach, 30:1-6 [NRSV].

⁷² LV IV.2.14 (Antiqua/Euric), Zeumer, p. 182: "Where a mother remains a widow, she shall have an equal portion of the inheritance with her children; and how a mother ought to dispose of the property of her children [rubric]. ... But if the mother shall have perhaps contracted another marriage, from that very

The purpose of this guardianship law and the two examine above is to maintain a father's control over the children and their mother's property for a finite period of time so that he can provide for these same children. They also grant the father the usufruct of one-half of his deceased wife's dowry for his lifetime. These laws serve strictly to delimit one woman's children and property from those of another in relation to the same husband and father. Conversely, a man with several successive wives could theoretically manage the property of each deceased wife simultaneously.

The laws preserving a father's guardianship rights contrast with those of a mother, who maintains guardianship over the persons and property of children only in the event that she does not remarry. The evidence of the two laws dealing with a father's guardianship rights and the one treating the guardianship rights of the mother demonstrate the Visigothic monarch's anxiety. This royal anxiety concerns not only the movement of wealth and power between males, females, and offspring, but also between Gothic and Hispano-Roman families.

Marriage, women, and wealth are primary concerns of mid-seventh century Visigothic kings intent on bolstering their royal authority in matters both public and private. This is demonstrated in the extensive family law provisions of Books III and IV, and in Book XII, which treats the Jewish population as a community distinct from Visigothic and Hispano-Roman Christians. The extensive and detailed content of these books indicates the importance of marriage, offspring, and the control of wealth for

day the usufructary portion, which she shall have received from the property of her [previous] husband, shall with the remaining paternal property be distributed to the children, who were born to him from that marriage."

seventh-century Gothic kings troubled by political instability and the constant threat of usurpation by opposing factions. The next sub-section addresses these themes in the context of the law code's twelfth book. It does so in order to provide additional evidence that seventh-century Visigothic legislators used marriage, women and wealth to pose issues of constitutional unity and to negotiate power with the Hispano-Roman Christian majority at the expense of the kingdom's Jewish population.

BOOK XII: THE AMPUTATION OF ERROR

The twelfth book of the Visigothic law code contains fifteen anti-Jewish laws under the title, *Concerning the amputation of every error of all heretics and also of Jews*.⁷³ In late sixth- and early seventh-century Spain, royal anti-Jewish legislation often erupted when changes in political dispensation occurred. Such was the case with both the anti-Jewish legislation of the Visigothic king Sisebut around 612 and that of Sisenand in 633. Significant initiatives such as religious or political unification attempts and alterations of the *status quo*, as at the Third and Fourth Councils of Toledo in 589 and 633, also prompted royal anti-Jewish laws. It was probably no coincidence that Visigothic kings targeted the Jewish population at times when their own authority was in question. During these frequent periods of ruling instability, Spanish bishops also took it

⁷³ Zeumer, p. 419: *De omnium hereticorum adque iudeorum cunctis erroribus amputatis*. In this sub-section on Book XII of the Visigothic laws, I also use the English translation of S. P. Scott, *The Visigothic Code*, Washington, D.C., 1910, pp. 363-377.

upon themselves to advocate peaceful stability, invoking it repeatedly as a justification for all manner of anti-Jewish measures.

The intensity of the Visigothic anti-Jewish measures reflects the anxiety of the period, which the sources, intent on representing the kingdom as a peaceful unification of Goths and Hispano-Romans, cannot mask. In the Christian sources of late antiquity, in narrative treatments such as Leander's treatise on virginity, and in conciliar canons such as those of the Third and Fourth Councils of Toledo, women and Jews were treated as entities properly subject to the control of Christian males. Easily deceived, both women and Jews were described by male Christian writers as incapable of exercising proper judgment in public affairs or of wielding legitimate authority over others. In Christian polemic, such as Leander of Seville's treatise on virginity, women were the deceived daughters of Eve, whose gullibility had condemned humankind to pain and sin.⁷⁴ In anti-Jewish polemic, such as Isidore of Seville's *De fide catholica contra iudaeos*, Jews were accused of self-deception for their failure to accept the tenets of Christianity.⁷⁵ As a result, Jews were condemned to separation from Christian society in Christian eschatological thought.⁷⁶

⁷⁴ Leander of Seville, *De institutione uirginum* 49-50, pp. 116-117, Barlow, pp. 192-193.

⁷⁵ Isidore of Seville, *De fide catholica contra iudaeos*, in *Patrologia latina cursus completus, Series secunda*, ed. J.-P. Migne, Paris: 1850, 83: 449-548A. The first and longer of the two books of Isidore's *De fide catholica* has been translated by Kirk Mims Summers, *St. Isidore of Seville's 'De Fide Catholica ex Veteri et Novo Testamento Contra Iudaeos': Translation and Sources*, M.A. Thesis, Lincoln, Nebraska: University of Nebraska, 1988. See for example, chapters 18 and 19, among others.

⁷⁶ See Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*, Berkeley, Los Angeles, London: University of California Press, 1999, pp. 28-64, on Jews in the eschatological thought of Augustine of Hippo.

In the Visigothic sources, additional similarities exist in the treatment of women and Jews with regard to the control of wealth and public office-holding, two important manifestations of power and authority. In the canons of the Third and Fourth Councils of Toledo, Jews were restricted from control of wealth,⁷⁷ as women were in many of the provisions of Books III and IV of the Visigothic law code. In the Visigothic kingdom, women and Jews become synonymous as entities incapable of controlling wealth or of exercising authority over others. Reflecting these attitudes, the seventh-century Visigothic legislation of the law code's twelfth book increasingly prohibits Jews, whether baptized or not, from wielding either public or private authority over Christians. The anti-Jewish laws focus on eradicating boundaries between Christian and Jewish communities by eliminating the latter. This focus constitutes a change in approaches to Christian "unity" from late antiquity.

In the seventh-century Visigothic kingdom, royal legislation focuses on eliminating Jews, much as Roman imperial legislation had concentrated on eliminating Christian "heretics." Visigothic kings, troubled by issues of political loyalty, were responsible for the codification of the kingdom's anti-Jewish legislation in the mid-seventh century. One of these laws was instituted by Reccared in 589,⁷⁸ two were issued

⁷⁷ For example, Third Council of Toledo, canon 14; Fourth Council of Toledo, canons 57-66.

⁷⁸ LV XII.2.11 (Reccared), Zeumer, p. 417, Scott, p. 369: "No Jew shall circumcise a Christian slave [rubric]. It shall not be lawful for a Jew to purchase a Christian slave, or to accept of one as a gift. Should a Jew purchase such a slave or accept of him as a gift and then circumcise him, he shall lose the price of said slave, and the latter shall be free. The Jew who circumcises a Christian slave shall forfeit all his property to the king. Any slave of either sex who is unwilling to become a Jew, shall receive his or her freedom." For a discussion of Reccared's legislation, see: José Manuel Pérez-Prendes y Muñoz de Arraco, "La legislación de Recaredo," in *Concilio III de Toledo: XIV Centenario, 589-1989*, Madrid: Biblos Industria Gráfica, S.L., 1991, pp. 581-598.

by Sisebut in 612,⁷⁹ and one was a law of Chindaswinth,⁸⁰ promulgated between 642 and 653. The remaining eleven laws were issued by Recceswinth, probably shortly after he assumed the throne (c.653-654 A.D.)⁸¹ Included in these laws is a *placitum* or agreement by the Jews of Toledo to adhere to all the provisions of this title, suggesting that the *placitum* was reduced to writing after the laws were issued and collated, but before the code was promulgated at the Eighth Council of Toledo in 654.⁸²

One aim of the anti-Jewish laws promulgated in the mid-seventh century Visigothic code is to remove Jewish males from positions of power and influence over Christians by legislating against forms of previously accepted social intercourse, including marriage and patronage relationships. This same legislation also removes the children of mixed marriages from the care of their Jewish mothers, a consequence that did not have the same effect on Christian women married to Jewish men. Another aim of the laws was to remove sources of wealth from Jewish control by freeing Christian slaves owned by Jews. These laws penalize infractions with forfeiture of one-half of the

⁷⁹ LV XII.2.13 (Sisebut), Zeumer, pp. 418-420, Scott, pp. 369-371: "Concerning Christian slaves who are known to have been sold or freed by Jews [rubric]." LV XII.2.14 (Sisebut), Zeumer, pp.420-423: "Under no circumstances shall Christian slaves attach themselves to Jews or be admitted in to their sect [rubric]." Due to the lengthy content of these laws, they will be discussed in more detail below.

⁸⁰ LV XII.2.16 (Chindaswinth), Zeumer, p. 424, Scott, pp. 375-376: "Concerning judaizing Christians [rubric]: As the crime of hypocrisy should be deplored by all Christians; for the same reason it should be evident, that no person, under any circumstances, is deserving of pardon, who is proved to have renounced a good religion for a bad one. ... All the property of such a person shall be confiscated for the benefit of the royal treasury, in order that his heirs and relatives may not be contaminated by his errors, through consenting to them."

⁸¹ The anti-Jewish laws referred to in this chapter can be found in Zeumer's Latin edition of the *Lex Visigothorum*, pp. 410-26.

⁸² Book XII also contains a similar number of additional laws issued by the Visigothic kings Ervig (680-687) and Egica (687-702) in the last two decades of the seventh century. Because they fall outside this study's primary focus on the period between 579 and 654 A.D., and because they should not be read back onto the previous period, these laws lie beyond the scope of this dissertation and will not be considered here.

convicted person's property. Beneficiaries of the laws are, first and foremost, the royal treasury, which takes into its control the slaves, their monetary equivalent, and/or one-half of forfeited property. Other beneficiaries of the anti-Jewish laws are Christians, who have the right to purchase Christian slaves belonging to Jews, often under circumstances of intense royal pressure and probably at advantageous prices.

Jews and the Body Politic

In order to accomplish these aims, the rhetoric of the first anti-Jewish laws of Book XII presents the king as head of the body politic with power over the body's various members in language and imagery reminiscent of the Visigothic code's first book.⁸³ The king is self-described in the law, written in the first person plural "we," as the ruler of the body. As such, he is the dispenser of the medicinal remedy of religious faith, which, as medicine is absorbed by the members of the body, will give rise to peace and charity. Although the title of the laws suggests that other "heretics" are also the

⁸³ LV XII.2.1 (Recceswinth), Zeumer, pp. 411-412, Scott, pp. 363-364: "Laws having been given to true believers, it is now necessary to place restraints upon unfaithful ones [rubric]. ... Following, not only the example of noble and illustrious races who restrained the illegal excesses of the people by leniency and rational laws, but also copying the rules and imitating the example of the Holy Fathers throughout the entire globe of the earth, we shall endeavor, as far as lies in our power, to reduce to action the precepts which we have received from them. ... And we are confident that we shall receive two rewards from the generosity of God: one, that we will be permitted to remain in the enjoyment of peace with our neighbors, as we are now; and the other, that, when our rule is ended, we shall receive due acknowledgment from heaven. Thus, when, by means of the laws directed to our faithful people this salutary remedy shall have been administered to the adherents of the Holy Faith, (as medicine is absorbed by the members of the body), and peace and charity shall everywhere prevail; confiding in the virtue of God, we shall attack His enemies, pursue His rivals, and conquer His adversaries; contending manfully, and constantly persevering; dispersing and overcoming those enemies, ... we shall acquire the reward of Faith; and when we shall include all people as true believers in our holy religion, and shall bring all unfaithful ones to the concord of religious peace, glory shall increase for me (*mihi*), and the kingdom shall be exalted by God."

target of its provisions, Jews are the only group specifically mentioned in this series, which also refers to the “unfaithful” (*infideles*) as enemies of God.

In Recceswinth’s scheme, it is his self-ordained mission as God’s appointed instrument to bring unbelievers to the concord of religious peace for the increase of his legitimate authority. The teleology of the anti-Jewish laws was, therefore, the same as that elucidated in Book I for the code as a whole.⁸⁴ The peace of a kingdom united in the Christian faith permitted Visigothic rulers to achieve victory over their enemies. These “enemies” of the kingdom are represented in Book XII by the kingdom’s Jewish population.

In his anti-Jewish legislation, Recceswinth seeks to invest himself with religious power, as Reccared had done in his numerous addresses at the Third Council of Toledo (589). In his second law, Recceswinth ironically assimilates royal authority with the apostolic authority of Paul, a converted Jew, with a reference to 2 Timothy.⁸⁵ Recceswinth targets ecclesiastics and Christian laypersons, who forfeit their rank and property if found guilty of “impugning unity of the Catholic faith.”⁸⁶ The provision

⁸⁴ LV I.2.6, Zeumer, p. 42: “How the law triumphs over enemies [rubric]: ... Thus as the temperance of the law is the modesty of the prince, so is the concord (*concordia*) of the citizenry a victory (*victoria*) over the enemy. From the clemency of the prince [comes] the arrangement of the law, from the arrangement of the law the institution of morals, from the institution of morals the concord of the citizenry, from the concord of the citizenry the triumph over enemies.”

⁸⁵ II Timothy 4:3-4.

⁸⁶ LV XII.2.2 (Recceswinth), Zeumer, pp. 412-413, Scott, pp. 364-365: “Concerning the renunciation of the errors of all heresies [rubric]. The eternal counsel of Almighty wisdom and Divine piety, as we understand it, and as revealed to us in former ages, for the benefit of our own times, has dissipated the errors of perfidious heretics, as well as abolished the false maxims of impious doctrines. Nevertheless, that such a time may not come during our lives, as that of which the representative of Grace formerly said : ‘A time will come when persons will not desire sound doctrine, but with eager ears, and according to their desires, will seek masters for themselves: and who will not listen to the truth, but will turn to false doctrines;’ ... [no one] shall openly or silently, impugn the unity of the Catholic faith; or take part in any

places responsibility for adjudicating matters of Christian faith and doctrine in the hands of the king. It permits no dissent on pain of loss of status and property.

That similar laws had been promulgated and likely ignored is apparent from canons of the Fourth Council of Toledo, which contemplated that patrons, lay and ecclesiastical, might try to shield Jews from forced conversions and other injustices.⁸⁷ A law of Recceswinth recognizes that the prior anti-Jewish laws had been ignored. It reiterates the king's pious intentions to achieve the stability, peace, and concord that provide the justification for the code as a whole.⁸⁸ These laws, reminiscent of the anti-Jewish canons of the Fourth Council of Toledo, conflate Jews and former Jews into the categories of "heretics" and "enemies" of Christian unity.

This conflation suggests that Jewish conversions to Christianity, whether forceably or willingly undertaken, made no real difference to the ultimate fate of either Jews or former Jews under Visigothic law.⁸⁹ In fact, the laws treat Jews as if they were

injurious disputes affecting the truth of said faith; or countenance the same by remaining silent. No one shall attack the decrees of the Gospel, or criticize the institutions of the Church, or call in question the sacred institutions established by the ancient Fathers; no one shall treat with contempt discussions concerning points of doctrine which arise in modern assemblies, no one shall entertain any thoughts against the holy edicts or the true religion, or shall utter any words in depreciation of the same ..."

⁸⁷ Fourth Council of Toledo, canon 58.

⁸⁸ LV XII.2.3 (Recceswinth), Zeumer, pp. 413-414, Scott, pp. 365-366: "Concerning the laws promulgated on account of the wickedness of the Jews [rubric]. ... For while the virtue of God, by the sword of his Word, extirpated all other heresies, root and branch, we have to lament that the soil of our kingdom is still only defiled by the infamy of the Jews. Therefore, to the end that we may establish peace in our realm, by the spirit of God (which, indeed, seems folly to pagans, and scandal to the Jews themselves), we ... decree by this law, which shall be forever observed, and by the mandate of the Holy Scriptures, that our edicts, as well as those promulgated by our royal predecessors against the perfidy and persons of the Jews, shall be forever inviolate, and shall be obeyed for all time. ..."

⁸⁹ LV XII.2.4 (Recceswinth), Zeumer, p. 413, Scott, pp. 366-367: "Concerning the extirpation of the errors of the Jews in general [rubric]. No Jew who has received the sacred rite of baptism shall renounce the faith of the holy Christian religion, or blaspheme said faith, in any way. No Jew shall impugn its precepts by deed or word; or speak insultingly of it either secretly or openly. ... No Jew shall entertain in his heart any perfidy against the Christian religion, and in favor of his own sect, or exhibit such perfidy by word or deed.

already Christian converts in a number of provisions that outlaw Jewish practices, such as observance of Passover (*Pasca*) or of the sabbath (*sabbata*),⁹⁰ marriage according to Jewish customs,⁹¹ circumcision,⁹² and dietary laws.⁹³ Although not explicitly stated, the intention of these laws is to suppress the practices by which Jews considered themselves to be Jews, and to penalize the religious rites and observances of Judaism to the point of extinction.

No Jew shall attempt to infringe, or oppose, any regulations or laws of the Christians which have been published. No one shall venture to conceal a Jew who is aware of the existence of these offences which have been prohibited, or who has committed them. No one shall delay to denounce a fugitive Jew when he is found, or to reveal his hiding place ...”

⁹⁰ LV XII.2.5 (Recceswinth), Zeumer, pp. 414-415, Scott, p. 367: “Jews shall not celebrate the Passover (*Pasca*) according to their custom [rubric]. No Jew shall celebrate the Passover ... nor perform any of the ceremonies customary at such times. Nor shall any Jew, in honor of this ancient, erroneous belief, observe any festival days, great or small; or attempt their observance; or desist from labor upon any holidays; or hereafter keep the sabbath, or any other sacred days prescribed by his rites, or attempt to do so. Anyone detected violating this law shall be liable to the condemnation and penalty prescribed for the same.”

⁹¹ LV XII.2.6 (Recceswinth), Zeumer, p. 415, Scott, pp. 367: “Jews shall not contract marriage according to their custom [rubric]. No Jew shall marry, or defile with adultery or incest, anyone nearly related to him by blood. No Jew shall marry another within the seventh degree of relationship, nor shall he desire or practice any other nuptial ceremony than that customary among Christians. Whenever detected, he shall be punished according to law.”

⁹² LV XII.2.7 (Recceswinth), Zeumer, p. 415, pp. 367: “Jews shall not perform the rite of circumcision [rubric]. No Jew shall circumcise another; nor shall a person who has permitted himself to be circumcised be exempt from the operation of the law. No slave, freeborn person, or freedman, native or foreigner, shall practice or submit to this detestable operation. Whoever is proved to have willingly performed, or submitted to it, shall be punished with the utmost severity of the law.”

⁹³ LV XII.2.8 (Recceswinth), Zeumer, p. 415-416, Scott, pp. 367-368: “Jews shall not divide their food into clean and unclean, according to their Custom. The blessed apostle Paul said, ‘To the pure all things are pure,’ but nothing is pure to those who are defiled, because they are unbelievers; and, for this reason, the execrable life of the Jews and the vileness of their horrible belief, which is more foul than any other detestable error, must be destroyed and cast out. Therefore, no Jew shall make a distinction between food which is clean and unclean, as established by the customs and traditions of his ancient rites. No one shall perversely refuse to eat food of any kind, whose condition is proved to be good. No one shall reject one article of food, and accept another, unless the distinction be such as is considered salutary and proper by all Christians. Anyone detected in the violation of this law shall be subjected to the punishment instituted for the same.”

Jewish Authority

The authority that Jews might exert over Christians was another primary consideration of the civil laws that sought to bolster royal authority and to promote Christian unity by suppressing the citizenship rights of a significant portion of the Hispano-Roman population. Two laws of Recceswinth prohibited Jews from subjecting Christians to torture in judicial proceedings⁹⁴ and from testifying against or bringing suit against a Christian in civil court.⁹⁵ In Visigothic (as in Roman) law, women could not bring suit on behalf of another, but they could pursue legal remedies on their own behalf.⁹⁶ Women also possessed the rights of Roman citizens to testify in open court and

⁹⁴ LV IX.2.9 (Recceswinth), Zeumer, p. 416, Scott, pp. 368: “No Jew shall subject a Christian to torture [rubric]. We especially decree, by the following law, that it shall not be lawful for any Jew to testify against a Christian in any legal proceeding, or business transaction, even though said Christian should be of the lowest rank or a slave; nor shall a Jew prosecute a Christian, in any action at law; or sue him upon any written contract; or subject him to torture for any reason whatever. For it seems sacrilegious to prefer an unfaithful one to him who is a believer, and to subject the members of the followers of Christ to torture inflicted by His adversaries. If, however, Jews should have causes of action among themselves, they shall have the right, under the law, to testify against each other; and to put their slaves to the torture in the presence of Christian judges.” Compare to Fourth Council of Toledo, canon 64.

⁹⁵ LV IX.2.10 (Recceswinth), Zeumer, pp. 416-417, Scott, p. 369: “No Jew shall testify against a Christian; and under what circumstances the descendants of Jews may testify [rubric]. If he who is convicted of having uttered a falsehood becomes infamous in the sight of all men, with how much more reason should he be excluded from giving testimony who denies the truth of the Divine Faith? Jews, whether baptized or unbaptized, are therefore forbidden to testify against Christians. The descendants of Jews, however, if they are of good morals, and adherents of the Faith, shall be permitted to give evidence among Christians: but not unless their morals and their belief shall be vouched for by either the king, a priest or a judge.”

⁹⁶ LV II.3.6 (Antiqua), Zeumer, pp. 91-92: “Let no woman (*femina*) undertake a case (*causam*) on behalf of another (*per mandatum*), although she may licitly prosecute her own case (*proprium*) [rubric]. A woman may not undertake a case on behalf of another, but she is not forbidden to conduct her own ... in court. Indeed, the husband (*maritus*) may not speak on behalf of his wife in a case without her permission ...”

to dispose of their property with full testamentary capacity.⁹⁷ In contrast, Visigothic legislation deprives Jews Roman citizenship rights that even Christian women possessed.

Without the laws explicitly stating this intention, they demote Jews from Roman citizen status, as did the canons of the Fourth Council of Toledo, to something more akin to slaves. In this context, slave-owning is an important aspect of Jewish status, authority, and wealth, and it appears in Sisebut's two anti-Jewish laws, probably issued in 612. The first of these two laws directly addresses a number of bishops, judges, other ecclesiastics, and magistrates, and cites the authority of Reccared's law from 589 that prohibited Jews from owning Christian slaves.⁹⁸ This law of Sisebut claims that Reccared's provisions were nullified, and that Jews were able to obtain protection from a variety of Visigothic kings in the interim between 589 and 612. The message of these and other similar anti-Jewish provisions is that the Visigothic ruling class had little success in subjugating the

⁹⁷ LV II.4.12 (Recceswinth), Zeumer, p. 104: "Concerning at what age minors are able to testify [rubric]: Those constituted as minors in years are to be admitted to testimony [in court], so that after the boy or girl has attained fourteen years of age, he or she has undisputed permission to testify in all cases."

LV II.5.10 (Recceswinth), Zeumer, pp. 110-111: "What documents shall have been valid, if they shall have been executed by those who are constituted to be minors [rubric]: Those who are constituted minor in years are capable of testifying concerning their own property or they are capable of disposing of any other matter whatsoever either in writing or through their own oral testimony in favor of whatever persons they shall choose, although otherwise persons under the age fourteen shall not have such permission, unless a grave illness shall have occurred ... But if the necessity of this case is pressed, let both of them [the boy and the girl] from the age of ten have full liberty to do what they wish. ... Coming to the full age of fourteen let them have the absolute liberty of doing lawfully all things pertaining to their property."

⁹⁸ LV IX.2.13 (Sisebut), Zeumer, pp. 418-420, Scott, pp. 369-371: "Concerning Christian slaves who are known to have been sold or liberated by Jews. To the most holy and blessed ... bishops, and to the judges of their districts, as well as to other ecclesiastics and magistrates, ... greeting: The authority of the law promulgated by our lord and predecessor, Reccared, ... would be sufficient, if ... the Jews had not afterwards corrupted the minds of princes, and they had not demanded and obtained benefits for themselves contrary to the principles of justice. And ... for the reason that, in past times, the edict of said king has been nullified, we hereby decree: that if any Christian slave should be in the possession of a Jew after this law is published, whether said slave should have been set free or not, he shall have the same right as a Roman citizen ... and be taxed according to an equitable estimate of his property. ... All Jews who have been converted to the Holy Faith, shall be entitled to their share in the inheritance of their parents."

Jewish population under the laws and canons previously promulgated by kings and councils.

In this same law, Christian slaves owned by Jews automatically receive the rights of Roman citizens and are subject to taxation. By this means, Sisebut removes a source of wealth from Jewish control and creates additional tax revenue from emancipated Christian slaves in the 610s. In order to accomplish its twin goals of bolstering royal authority and the royal treasury, this law combines appeal with coercion. As an additional incentive to obedience, Sisebut stipulates that Jews who convert to Christianity are entitled to full inheritance rights. The royal edict also declares that if Jews acquire any property by fraud, such property is forfeit to the royal treasury. This provision legitimates economic compulsion designed to coerce by either negative or positive means the appearance of obedience by the Jewish population to Visigothic royal edicts. Not coincidentally, the law also serves to enhance the royal patrimony in every instance.

Jewish Proselytizing

The second law of Sisebut from 612 repeats the injunctions of the first at length, with additional prohibitions against Jewish proselytizing, particularly among Christian slaves.⁹⁹ These and other anti-Jewish provisions use the pretext of Jewish proselytizing

⁹⁹ LV IX.2.14 (Sisebut), Zeumer, pp. 420-423, Scott, pp. 371-374: “Under no circumstances shall Christian slaves attach themselves to Jews, or be admitted into their sect [rubric]. We provide for the health and safety of our subjects, and of all other persons within the provinces of our kingdom, when we rescue the adherents of our religion from the hands of unfaithful ones. For, by this means, the orthodox

to subject Jewish wealth to Christian control. They also attempt to limit Christian protection of the Jewish population, suggesting that anti-Jewish legislation was not unanimously supported by all Christians. A law of Recceswinth lends credence to this supposition. It cites the laws of Sisebut referred to above and reinforces the notion that Christians protected Jews, baptized or unbaptized, through patronage or other means.¹⁰⁰ Under this provision, Christians who protect Jews lose their property to the royal treasury.

In the Visigothic anti-Jewish legislation, the royal patrimony benefits, regardless of the other legal outcomes. The family and anti-Jewish laws present the ruler as a *paterfamilias* wielding authority over marriage, offspring, and property within and

faith will be greatly exalted, when ... Jews shall no longer have power over Christians. The fatal control of Jews over Christians should therefore be abominated ... Therefore, from the first year of our reign no Jew shall be permitted to have a freeborn Christian, or a Christian slave, under his patronage, or in his service. Nor shall a Jew be allowed to employ any such person for hire, or avail himself of his services, under any pretext whatsoever. ... Where the unlawful marital unions hereinbefore mentioned have already taken place, we hereby decree that the unfaithful party to the same shall have a right to embrace the true faith, should he or she desire to do so. Should, however, said party refuse, the marriage shall be dissolved ... To the other provisions of this law we add the following: that whenever any Jew desires sincerely to embrace the Catholic faith, and has been purified by the holy water of baptism, he shall be entitled to retain, without molestation, all the property which he possessed at that time. ... If, after said date, a Christian slave should be found in the possession of a Jew, half the property of said Jew shall be forfeited for the benefit of the royal treasury ... And, in the terrible time of the Day of Judgment, reserved for the coming of the Lord, may the said culprit [*sc.* who has protected Jews] be separated from the flock of Christ; and, placed at the left hand with the Jews, be burned with eternal fire, with the devil for his companion; in order that avenging punishment may be inflicted upon all transgressors, and that true Christians may receive a rich and eternal reward."

¹⁰⁰ LV XII.2.15 (Recceswinth), Zeumer, pp. 423-424, Scott, pp. 374-375: All Christians are forbidden to defend or protect a Jew, by either force or favor [rubric]. ... Lest the Jews should, by means of any artifice, and through their unremitting perseverance, obtain the legal sanction for their profane rites so much desired by them, ... no one, for any reason, or in any manner, shall attempt by word or deed, to aid or protect such persons, either openly or secretly, in their opposition to the Holy Faith and the Christian religion. ... If any bishop or other ecclesiastic should be guilty of such an offence, or if any member of the laity should be convicted of the same, he shall be excluded from the society of Christians, be excommunicated, and forfeit the fourth of all his property, which shall be confiscated for the benefit of the royal treasury. For it is eminently proper that those should be separated from the communion of the faithful, and be punished by the loss of their possessions, who reject the love of Christ, and, in the aid of His enemies, infamously attack the truth. The penalties for such offences shall remain the same as were provided in a former law by King Sisebut, of holy memory."

between Christian and Jewish religious communities. In the context of ruling instability and civil unrest, the mid-seventh century lawmakers exhibit a preoccupation with the status of males and the control of women and wealth as codes for the legitimization of their reigns and the establishment of a constitutional framework for peaceful stability.

THE LAW'S EMBRACE

Based on provisions governing the authority of the ruler, family law, and anti-Jewish legislation, this chapter has argued that marital rhetoric similar to that employed in the narrative and conciliar sources appeared in mid-seventh-century Visigothic law. It did so for the purpose of promoting intermarriage between Goths and Hispano-Romans, and for establishing offspring and property under male control. Employing marital rhetoric and paternal imagery, seventh-century Visigothic kings also disputed authority with their Hispano-Roman subjects in the civil law code. Rhetorical disputes and negotiations over power between the Visigothic ruling minority and the Hispano-Roman majority had the effect of broadening female inheritance rights. They also had the effect of eliminating the Jewish population from citizenship in the seventh-century Spanish kingdom. Neither the rhetoric nor the substance of the law codes provisions served to establish the long-term unification of the kingdom or to ensure its survival.

On the basis of this evidence, this chapter has argued that the law code was not the unitary statement of national political consciousness that scholars have interpreted it

to be. Instead, the seventh-century lawmakers employed marital rhetoric as a tool with which to reflect certain important realities of Visigothic society and leadership, such as political instability, religious differences, and social incohesiveness. Using the language of marital harmony and domestic *concordia* from late antiquity in their quest for power and legitimacy, Visigothic kings assumed the authority of *paterfamilias* over both Christian and Jewish subjects. Rather than harmony and stability, it was the fear of disunity that lay at the heart of the Visigothic sources' overwhelmingly proscriptive nature. As narrative, conciliar, and legal texts indicate, the marital rhetoric and gendered imagery of late antiquity were important tools of late classical, Christian discourse. These tools were adapted by early medieval secular rulers and ecclesiastical authors to express conflicts over power, status, and wealth in the age of Visigothic "unity."

CONCLUSION

As the previous chapters illustrate, marital rhetoric and gendered imagery were intrinsic to the formation of a specifically Christian political discourse in the late classical and early medieval periods. In this discourse, “marriage” and gendered images enabled men to address problems of “unity” and to assert their own views and authority in disputes with other men. In the sources, “marriage” signified male conflicts. “Women,” who appeared as metaphors in the texts, signified the wealth and status that were the subjects of those conflicts. In Chapters One and Two, conciliar legislation as an instrument of authority, Arian-Nicene conflicts, debates on the relative merits of marriage and virginity - and the shift from Roman to Gothic rule - contextualized the production of the late sixth- and early seventh-century Visigothic sources. In the narrative texts considered in Chapters Three and Four, Hispano-Roman bishops Leander and Isidore of Seville took different, but gendered, tacks in speaking about contemporary religious and political issues via imagined women on the basis of constructed sexual differences.

With his treatise on virginity, Leander took the position of earlier Christian separatists such as Jerome and Ambrose, who advocated strict religious, political, and social boundaries through a rigorist interpretation of ascetic sexual ideals. Conversely, in his historical etiology of the Visigothic conquerors espoused to Spain (*Mater Spania*), Isidore expressed the more traditionalist views of Christian moderates, such as Augustine, who advocated sexual asceticism, but also promoted marriage as a domestic

institution and a civic partnership, albeit, within strictly proscribed limits. As the two authors thought in terms of Nicene Catholic ideals, they defined proper roles and limits for men and women, as well as for Christians and non-Christians, in Spanish Visigothic society.

Leander and Isidore's writings, predicated on the Christian political rhetoric of late antiquity, confirm that these early medieval bishops were also interested in maintaining control over their congregations and clerics, in protecting their dioceses from episcopal encroachments, and above all, in asserting the independent authority of the ecclesiastical sphere against secular rulers. Modeling their efforts on scriptural and late classical, patristic sources, the two Spanish authors used women and their status as virgin or married as metaphors with which to dispute power and status with other men. They did so, chiefly, because female figures served as useful rhetorical foils, much as they did in earlier Christian polemics. In those polemics, as Peter Brown has noted, late antique men used women as tools with which to think through their issues.¹

In Chapters Five and Six, the conciliar sources bore thematic similarities to the narrative sources, but differed from them in important ways, as well.² In the narrative sources, disputes over the nature and exercise of legitimate authority emerged only cryptically from the silence of *doxa* into the realm of contested ideas. These sources

¹ Peter Brown, *The Body and Society: Men, Women and Sexual Renunciation in Early Christianity*, New York: Columbia University Press, 1988, p. 154.

² A major aim of this study is to reinterpret the Visigothic sources in light of recent scholarship on the development of Christian political discourse in late antiquity. A closely related goal is to aid in the ongoing task of making the primary and secondary sources of late classical and early medieval Spanish history more accessible by including translations of the Third and Fourth Councils of Toledo. There is no published English translation of these councils, and the Appendices to this dissertation constitute the first such translation.

presented contemporary religio-political conflicts through the doctrinal filters of only two men, Leander and Isidore of Seville. In the conciliar texts, however, rulers and bishops both wielded late classical Christian polemic, publicly and openly, for the purpose of disputing rights to authority in terms of marriage, women, and wealth. They did so to the increasing detriment of the Jewish population.

In the councils, which were intended to cement Christian religious and political unification in the Spanish Visigothic kingdom, claims, counterclaims, and negotiations over orthodoxy, status, and wealth appeared as binaries in addresses, canons, and homily. These binaries stressed the themes of purity/pollution and faithfulness/infidelity. In the context of ruling instability and civil war throughout the late sixth and early seventh centuries, anti-Jewish legislation, which appeared in the Third Council of Toledo, became more virulent and extensive in the canons of the Fourth Council of Toledo, suggesting an important shift in strategies of Christian “unification” from those of late antiquity.

The themes of “unity” and “marriage” so ubiquitous in the narrative and conciliar texts also appear in the Visigothic laws examined in Chapter Seven. Visigothic familial and anti-Jewish legislation demonstrate the enactment into law of the marital metaphors and gendered imagery developed in late antiquity and incorporated into the narrative and conciliar sources of early medieval Spain. In the law code, the ruler assumed the role of *paterfamilias*. In their legislation, Visigothic kings also utilized images of a marital *concordia* to justify extensive legislation ostensibly in the interest of the kingdom’s domestic peace. The real purpose of the laws, however, was to facilitate movement of property from Hispano-Roman Christian and Jewish control into Visigothic control.

For this purpose, dowry laws were revised to move female marital property into male hands. At the same time, inheritance and guardianship laws granted females greater access to family property. These seventh-century alterations of prior dowry and inheritance laws indicate negotiations between a Visigothic minority intent on hegemony and a Hispano-Roman majority with whom the ruling party necessarily had to contend in the interest of political stability. In the process of negotiations over power between Gothic and Hispano-Roman Christian males, the Jewish population - subject to forced conversions and increasingly harsh prohibitions during the early seventh century - became the new “heretics.” Construing Jews as “enemies” of Christian “unity” allowed Visigothic rulers to exclude them from the Christian polity, while at the same time systematically stripping them of authority and wealth.

In the Visigothic sources of this dissertation, “marriage” signified conflicts, and women and Jews signified the wealth and status that were the sources of dispute. In these disputes, women and Jews also functioned as actual political capital, or real sources of wealth and status, as well as useful were rhetorical foils against which Christian males measured themselves as *potentes*. The paradigm of religious union expressed by Leander of Seville at the Third Council of Toledo involved the joining of two Christian (Nicene) parties with disparate interests, into which union no “heretical” third (Arian) party could intrude. Similarly, the political union contemplated at the Fourth Council of Toledo also involved the joining of two disparate parties, both of whom were now Nicene Christians. Such a union could permit no intrusion by a third non-Christian or Jewish party.

The marital rhetoric and gendered imagery of the texts were powerful tools for expressing Christian paradigms of religious and political “unity” in Visigothic Spain. Rhetorical paradigms for the religious and political unification of Gothic and Hispano-Roman Christians informed Visigothic familial and anti-Jewish legislation. This legislation focused almost exclusively on marriage, women, and wealth. Understanding the functions of late classical marital rhetoric and gendered imagery in the Visigothic texts allows us to perceive how the paradigm of “unity” masked deep conflicts over power, status, and wealth. These conflicts between the ruling minority and the subject majority persisted until a new invading force appeared to challenge Visigothic power in 711 A.D.

In the male-authored Visigothic texts, in which she represents the silence of the sources, the figure of Florentina is especially indicative of the problem of women’s history. In this dissertation, Florentina is emblematic of the issues raised two decades ago by Elizabeth Clark about the importance of gender in the coded language of the sources. Florentina represents areas of research in patristic literature that Clark articulated as well. In a collection of essays, Clark expressed a pertinent opinion concerning future historical study of the late classical and early medieval periods, suggested the possibility of fruitful historical research on the formation of “orthodoxy” and “heresy” as constructs:

“Although the heavy concentration of recent scholarship on the heretics has been criticized, I would argue that we do not appreciate the richness of the patristic era unless we give equal voice to those who lost out in the evolution of mainstream

Christianity, and unless we note with some care the methods by which those now called saints of the church won the day.³

Related to the question of how the saints became saints is the issue of how the church fathers became church fathers. By examining early medieval Visigothic sources (such as the Third and Fourth Councils of Toledo), forged in a quest for “unity” that never materialized, this dissertation has endeavored to pose partial answers to the purpose of the coded language of the texts. Efforts to articulate responses to such historical questions using the methodologies of historical theology and classical studies may broaden scholarly discussion of the medieval sources in fruitful ways.

FROM METAPHOR TO LEGAL ENACTMENT

The historical influence of the Visigothic sources has endured beyond 711 A.D., when the kingdom in which they were produced ended. The marital rhetoric and gendered imagery developed in Leander’s treatise on virginity and homily and in Isidore’s historical etiology of the Goths are indeed striking, and the consistency between the narratives and the content of the conciliar *acta* is noteworthy. The utility of this rhetoric and imagery can also be seen in the thematic incorporation of marriage, women, and wealth as categories of power and status into the Visigothic law code, the *Lex*

³ Elizabeth A. Clark, “Introduction, The State and Future of Historical Theology: Patristic Studies,” *Union Papers*, No. 2, New York: Union Theological Seminary, 1982, pp. 46-56; repr., Elizabeth A. Clark, *Ascetic Piety and Women’s Faith: Essays on Late Ancient Christianity*, Studies in Women and Religion, Volume 20, Lewiston/Queenston: The Edwin Mellen Press, 1986, pp. 3-22. The specific quote is located on page 11 of the reprinted essay.

Visigothum, or as it also known, the *Liber Judiciorum*. Among all the sources considered in this study, Visigothic familial and anti-Jewish legislation represent the closest embodiment of real women and real Jews.

The code, promulgated in the seventh century and also known in its Spanish-language incarnation as the *Fuero Juzgo*, continued in use among Christians throughout the period of Muslim rule in Spain, and many of its provisions were incorporated into the late medieval *Siete Partidas*.⁴ Heath Dillard's *Daughters of the Reconquest* has examined legal rights for women and determined that they originated with the late medieval law code.⁵ I suggest, however, that they originated with the seventh-century Visigothic code. By way of their incorporation into the *Siete Partidas*, Spanish explorers and conquerors took the Visigothic laws with them all over the world during the early modern period.

The seventh-century law code's provisions concerning marriage, inheritance, and Jews had broad significance far beyond the spatial and temporal boundaries of the relatively short-lived Visigothic kingdom. Indeed, the medieval Spanish law codes were never wholly abrogated, although women's equal inheritance rights, established with the promulgation of the seventh-century *Lex Visigothorum* and incorporated with some

⁴ E. N. Van Kleffens, *Hispanic law until the end of the Middle Ages*, Edinburgh: Edinburgh University Press, 1968, pp. 79-80 and 120-121.

⁵ Heath Dillard, *Daughters of the Reconquest: Women in Castilian Town Society, 1100-1300*, Cambridge and New York: Cambridge University Press, 1984.

revisions into the late thirteenth-century *Siete Partidas*, altered substantially with the issuance of Spain's nineteenth-century Civil Code.⁶

Visigothic anti-Jewish legislation was also incorporated into the *Siete Partidas*, but even earlier, the anti-Jewish provisions made their independent way into the most important medieval digests of canon law. The anti-Jewish legislation of canon 14 of the Third Council of Toledo, for example, appeared in Gratian's twelfth-century compendium of canon law (c.1140-1150), was confirmed by Pope Innocent IV at the Fourth Lateran Council in 1215, was reissued with the decrees of Pope Gregory IX in 1236, was preserved in the *Codex iuris canonici* (Code of Canon Law) published in 1918, and was only dropped from the latest revision of this code of ecclesiastical law in 1983.⁷

Visigothic anti-Jewish laws were incorporated into ecclesiastical legal *compendia* and conciliar texts from the twelfth century to the twentieth, and appeared in late medieval Spanish secular codes from the thirteenth century, onward. The influence of Spanish canon and civil law on late medieval religious persecution by Christians of Jews and Muslims is well attested in modern scholarship. Utilizing Mary Douglas' study of cultural norms concerning purity and pollution, and of the human body as a *locus* for the

⁶ E. N. Van Kleffens, *Hispanic law until the end of the Middle Ages*, p. 80. "With the exception of Justinian's legislation, this seventh-century Visigothic lawbook has enjoyed a wider authority during a longer time than any other code of secular law."

⁷ Antonio García y García, "Proyección del Concilio Tercero de Toledo (= C3T) en las colecciones canónicas medievales," in *Concilio III de Toledo: XIV Centenario, 589-1989*, Madrid: Biblos Industria Gráfica, S. L., 1991, pp. 511-536, with summary illustration on p. 520. On the widespread transmission and influence of the Third Council of Toledo more generally, see also in the same volume: José Orlandis, "El significado del Concilio III de Toledo en la Historia Hispánica y Universal," pp. 325-332; Peter Linehan, "Impacto del III Concilio de Toledo en las relaciones Iglesia-Estado durante el Medioevo," pp. 427-439; Pieter Sjoerd van Koningsveld, "La literatura cristiano-árabe de la España Medieval y el significado de la transmisión textual en árabe de la *Collectio Conciliorum*," pp. 695-710; and Félix Rodríguez, S. J., "La tradición manuscrita del Concilio III de Toledo," pp. 729-744.

development and expression of those norms, scholars of medieval religious mentalities have studied the influence that the “pollution” and “purity” language of the Visigothic sources wielded in later centuries.⁸ This language, applied to both women and Jews, links the two groups in the texts. This language helps to explain why women and Jews are treated similarly in the primary sources, and why they figure as subjects of this dissertation concerning the “unity” of Visigothic Spain.

Isidore of Seville’s *De fide catholica contra judeos* (*On the Catholic faith against the Jews*), written in the 620s A.D., was part of a long line of *contra judeos* Christian literature that originated in the second century.⁹ Isidore’s treatise was less a polemical attack on Judaism than an attempt to explain Christian doctrine using the Old Testament, and it was probably no more anti-Jewish than similar writings of the earlier church

⁸ Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*, London: Routledge and Kegan Paul, 1966, p. 4: “It is not difficult to see how pollution beliefs can be used in a dialogue of claims and counter-claims to status. But as we examine pollution beliefs we find that the kind of contacts which are thought dangerous also carry a symbolic load. This is a more interesting level at which pollution ideas relate to social life. I believe that some pollutions are used as analogies for expressing a general view of the social order. For example, there are beliefs that each sex is a danger to the other through contact with sexual fluids. According to other beliefs, only one sex is endangered by contact with the other, usually males from females, but sometimes the reverse. Such patterns of sexual danger can be seen to express symmetry or hierarchy. It is implausible to interpret them as expressing something about the actual relation of the sexes. I suggest that many ideas about sexual dangers are better interpreted as symbols of the relation between parts of society, as mirroring designs of hierarchy or symmetry which apply in the larger social system. What goes for sex pollution also goes for bodily pollution. The two sexes can serve as a model for the collaboration and distinctiveness of social units. So also can the processes of ingestion portray political absorption. Sometimes bodily orifices seem to represent points of entry or exit to social units, or bodily perfection can symbolise an ideal theocracy.” For Douglas’ influence on studies of medieval religious mentalities, see: R. I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1250*, Oxford and Cambridge, Massachusetts: Blackwell Publishers, 1987, 1990; David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages*, Princeton, New Jersey: Princeton University Press, 1996; and John V. Tolan, *Saracens: Islam in the Medieval European Imagination*, New York: Columbia University Press, 2002. Douglas’ ideas on virginity as an expression of purity and power are also perceptible in studies of the late classical period, i.e. Peter Brown, *The Body and Society: Men, Women and Sexual Renunciation in Early Christianity*.

⁹ On this ancient polemic, which was more prevalent in the Greek-speaking eastern Roman Empire than in the Latin West, see: James Parkes, *The Conflict of the Church and the Synagogue: A study in the origins of anti-semitism*, pp. 199-226.

fathers.¹⁰ Jeremy Cohen has argued that, although Isidore distinguished between the hermeneutical Jew and the real one, it is unlikely that later generations of Christian authors did so.¹¹ Based on Isidore's reputation as *doctor egregius*, as the Eighth Council of Toledo designated him, and the authority that his written works carried throughout the medieval period, his attitudes became enshrined in medieval heresiology.

As the Visigothic conciliar and legal texts demonstrate, the category of "heretic" was flexible enough to encompass Jews. John Tolan has argued that the source of this flexibility was Isidore, whose definitions of "heretics" stretched to accommodate Muslims or Saracens in the medieval imagination.¹² Such flexibility, like the discourse on marriage and women, was useful to later Christian writers in presenting Christendom as a supposedly unified entity.¹³ These writers drew upon Isidore's definitions, coined long before the Islamic invasion of Spain or before Muslims were known or understood in the West.

In his important study of late medieval, Christian-Muslim-Jewish relations, David Nirenberg has argued that Alfonso X's *Las Siete Partidas*, which drew heavily on Visigothic law, also conflated Jews and Muslims as "heretics."¹⁴ Nirenberg concludes

¹⁰ John V. Tolan, *Saracens: Islam in the Medieval Imagination*, pp. 3-21, has argued that Isidore's *contra judeos* writing was less a polemical attack against Judaism than an attempt to explain Christian doctrine using the Old Testament. Wolfram Drews, *The Unknown Neighbor: The Jew in the Thought of Isidore of Seville*, Leiden and Boston: Brill, 2006, has also suggested as much.

¹¹ Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*, Berkeley and Los Angeles, California: University of California Press, 1999, pp. 95-122. For a more negative view of Isidore and his influence on later medieval anti-semitism, see: Bat Sheva Albert, "Isidore of Seville: His Attitude Toward Judaism and His Impact on Early Medieval Canon Law," *The Jewish Quarterly Review*, New Series, Vol. 80, No. 3/4 (Jan.-Apr., 1990) 207-220.

¹² John V. Tolan, *Saracens: Islam in the Medieval Imagination*, pp. 10-12.

¹³ Ibid, p. 8; Tolan refers to the "marriage of Spain," but does not elaborate on the phrase.

¹⁴ David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages*, pp. 151-152.

that Christian women were the collective brides of Christ, and that it was Christ whom Jewish and Muslim men offended in sexual relationships with Christian women.¹⁵ He suggests that Alfonsine laws against such sexual transgressions utilized the categories of gender and religion to foster Christian unity in Reconquest Spain.¹⁶ I would argue that the Visigothic texts better explain how precedents concerning interfaith sexual relations were transmitted to the late medieval period and why they resonated so widely in the later context. Nirenberg also notes that corporeal imagery was a powerful tool with which to express religious boundaries, and that the Song of Songs was an important proof text in ancient and medieval writings about religious communities.¹⁷ This is yet another indicator that male use of rhetoric concerning marriage and women to express conflicts with other males has very long trajectory, indeed.

THE ENDURING POST-VISIGOTHIC ILLUSION OF CHRISTIAN UNITY IN SPAIN

In the context of late medieval and early modern territorial consolidation and expansion initiatives in Christian Spain, Visigothic law, history, and councils were powerful and useful texts, which as served models of religious and political “unity.” This dissertation has argued that the texts reflected conflicts, rather than *concordia*. According to Book I of the Visigothic law code, the teleology of the civil law was

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid, p. 151, n.90.

straightforward: domestic concord was necessary so that rulers could turn their attention to external conquests.¹⁸ In other words, the ruler's first duty was to territorial expansion; the people's was to obey.

As Richard Kagan has shown, the teleology of the Visigothic law was directly applicable to the aims and ambitions of Spain's medieval rulers and early modern kings, who drew upon the earlier law code.¹⁹ The methods of *historia pro patria* (history about the nation) or *historia pro persona* (history about the ruler) in late medieval and early modern Spanish historiography derived from the historical writings of Isidore of Seville, upon which Spanish kings and their official historians depended for models.²⁰

More than the historical narratives or even the law, the Visigothic texts which probably had the most influence on later historical trajectories were the Third and Fourth Councils of Toledo. These councils were preserved almost exclusively in conciliar collections, known today as the *Hispana* and in the medieval and early modern periods as the *Collectio canonum* or *Collectio conciliorum*.²¹ The *Hispana*, and most especially the Third and Fourth Councils of Toledo, was considered one of the constitutional foundations of Spanish nationalism in the early modern period.²² Evidence of this can be found in the late sixteenth century, when the Spanish Habsburg king, Philip II, sent

¹⁸ *Lex Visigothorum*, I.2.6, Zeumer, p. 42. "How the law triumphs over enemies [rubric]: "[T]hus as the temperance of the law is the modesty of the prince, so is the concord of the citizenry a victory over the enemy. From the clemency of the prince [comes] the arrangement of the law, from the arrangement of the law the institution of morals, from the institution of morals the concord of the citizenry, from the concord of the citizenry the triumph over enemies."

¹⁹ Richard L. Kagan, *Clio & the Crown: The Politics of History in Medieval and Early Modern Spain*, Baltimore, The Johns Hopkins University Press, 2009, pp. 18-22, 25-27, *passim*.

²⁰ *Ibid*, pp. 63-66, *passim*.

²¹ On the historical trajectory of the *Collectio canonum*, see *La colección canónica Hispana*, Vol. I: Estudio, ed. Gonzalo Martínez Díez, S. I., Madrid: Consejo Superior de Investigaciones Científicas, 1966.

²² Peter Linehan, *History and the Historians of Medieval Spain*, Oxford: Clarendon Press, 1993, pp. 22-50.

Ambrosio de Morales throughout the kingdom to search through monastic manuscript collections for copies of the *Hispana*, among other Visigothic texts. It was Morales' task to obtain, through a combination of diplomacy and demand, the precious manuscripts from the monasteries where they had been copied and held dear for, in some cases, half a millennium or more.²³

At the same time that Philip II was commandeering manuscripts of the Visigothic conciliar and other texts from throughout the peninsula - copies which were to reside henceforth in the royal library at El Escorial - the king revived the cult of Hermenegild, the Visigothic prince memorialized by Gregory of Tours and extolled as a martyr by Pope Gregory I.²⁴ Powerful as saints' relics and cults might have been in the process of state-building, the *Hispana* was just as clearly an important talisman of authority in late sixteenth-century Spain. Others besides Philip II were keen to acquire ancient manuscripts of the Visigothic councils. Bishop Garsía de Loaisa y Girón, Philip II's chief ecclesiastical advisor, for example, took it upon himself to acquire the important manuscript of the councils known as the *Lucensis* from its monastic owners.²⁵

²³ *La colección canónica Hispana*, Vol. I: Estudio, pp. 31-41.

²⁴ Peter Linehan, *History and the Historians of Medieval Spain*, pp. 1-3, *passim*.

²⁵ Garsía de Loaisa y Girón, *Collectio conciliorum hispaniae*, Madrid, 1593. For a reconstruction of the lost manuscript *Lucensis*, see: Carlos García Goldaraz, *El Codice Lucense de la Colección Canónica Hispana*, 2 vols., Madrid: Consejo Superior de Investigaciones Científicas, 1954. The bishop, who inherited and enlarged a substantial personal library, also edited the conciliar collection in a manner that does not seem to have benefited from the application of critical methods. The Jesuit editors of Mansi's seventeenth-century edition of the church councils described Garsía de Loaisa y Girón's editorial efforts as having been carried out *mendaciter*. *Sacrorum conciliorum, nova et amplissima collectio*, Vols. IX, X, ed. J. D. Mansi, Florence and Venice: A. Zatta, 1759-98, repr. Graz: Akademische Druck- u. Verlagsanstalt, 1960-61. Garsía de Loaisa y Girón was elected Archbishop of Toledo in 1599, although his sudden, unexplained death prevented him from occupying the office. Gregoria de Andres, "Historia de un fondo Griego de la Biblioteca Nacional de Madrid: Colecciones: Cardinal Mendoza y García de Loaisa," *Revista de Archivos, Bibliotecas y Museos*, Tomo LXXVII, 1 (January - June 1974) 5-56.

Just as Cardinal Cisneros had revived the cults of the Visigothic saints Leander, Isidore, Florentina, and their younger brother Fulgentius in order to serve the fifteenth-century territorial aims of the Catholic kings, Isabel and Ferdinand, later rulers laid claim to the textual sources of Visigothic history and revived the cults of other Visigothic figures, such as Hermengild. Kings such as Philip II and bishops such as Garsíae de Loaisa y Girón procured copies of important Visigothic councils, suggesting a certain degree of competition between royal and ecclesiastical parties intent on wielding the power of the past.²⁶ It is not coincidental that many of the figures involved in procuring, editing, and transmitting texts, such as Ambrosio de Morales, Garsíae de Loaisa y Girón, and Prudencio de Sandoval, to name a few, were also heavily involved in the then-contemporary search for Spanish historical identity, which they sought to locate in the Visigothic past.

These examples demonstrate the power of Visigothic texts to express the paradigm of unity long after the Gothic kingdom fell to Muslim invaders.²⁷ The power of the Visigothic past has appeared even more recently in the development of the early modern Spanish inquisition as a topic of modern Anglo-American scholarly interest dating from the nineteenth century. Spanish inquisitorial practices directed at *conversos* derived from Visigothic anti-Jewish legislation, which also appeared in the late medieval Spanish code, *Las Siete Partidas*. Thus, the Spanish inquisition was a derivative of the

²⁶ On Bishop Garsíae de Loaisa y Girón's role in Philip II's quest to obtain important Visigothic manuscripts for the library of El Escorial and the bishop's influence on then-contemporary historiography, see Richard L. Kagan, *Clio and the Crown*, pp. 109-114.

²⁷ On this general theme of the myth of Visigothic unity, see also: J. N. Hillgarth, *The Visigoths in History and Legend*, Studies and Texts 166, Toronto: Pontifical Institute of Mediaeval Studies, 2009.

forced conversions and continuing persecutions of Jews - converts or not, lapsed or not – that Book XII of the Visigothic Code memorialized.

In the late nineteenth century, building on the success of his anti-Catholic studies concerning the origin and historical significance of the medieval Holy Office and the development of the imperial papacy,²⁸ American autodidact Henry Charles Lea launched a similar examination of inquisition in Spain. In the four volumes of *A History of the Inquisition of Spain*, Lea traced the trajectory of the Spanish crown and its interactions with Jews and Muslims over a centuries-long period of conquest and centralization of Christian political authority.²⁹ With these studies, Lea linked anti-Catholic sentiments to anti-Hispanic ones. Despite his evident biases, Lea's work (based on close study of manuscripts copied or otherwise obtained from European archives by proxies and much of it originally published by his own printing house in Philadelphia) may have had the paradoxical effect of stimulating twentieth-century Anglo-American interest in Spanish and Latin American history.

One such example of Anglo-American interest in Spanish history appeared a century after Lea's publication, when Henry Kamen's *The Spanish Inquisition: A Historical Revision* attempted to demonstrate the manner in which the Spanish Inquisition contributed to the decline of Spain as a world power.³⁰ Kamen focused, not on the use of Inquisition policy to consolidate the early modern Spanish state, but on the

²⁸ Henry Charles Lea, *A History of the Inquisition of the Middle Ages*, 3 vols, New York, 1888, repr. New York: The Harbor Press, 1955.

²⁹ Henry Charles Lea, *History of the Inquisition of Spain*, 4 vols., New York and London: The MacMillan Company, 1907.

³⁰ Henry Kamen, *The Spanish Inquisition: A Historical Revision*, New Haven and London: Yale University Press, 1997.

influence of this policy on the state's demise. With this work, Kamen participated in a broader twentieth-century, historiographical debate waged earlier in the century in the context of Spanish Fascism.

Reminiscent of late classical polemics on the merits marriage and virginity between traditionalists and ascetics, this modern debate concerning Spanish nationalism and Spanish cultural identity took place among intellectuals. Proponents of historical *convivencia*, such as Americo Castro, emphasized the historical toleration and co-existence among Jews, Muslims, and Christians in the peninsula. Proponents of *conformismo*, such as Ramón Menéndez Pidal and Claudio Sánchez Albornoz, claimed that there were always at least two Spains that could never be reconciled - least of all by demands for religious and political conformity.³¹ The very terms of the *convivencia-conformismo* debate suggest the power, flexibility, and endurance of a specifically Christian discourse developed in late antiquity. This discourse drew on the marital rhetoric and gendered imagery of scriptural and other sources to express conflicts during historical periods when *parrhësia* was the province of a chosen few, well-schooled in the art of rhetoric.

The posture of unity was not unique to Visigothic Spain, but is discernible elsewhere in the late classical and medieval periods. The medieval Spanish Reconquest was animated as a Christian movement to dislodge Spain's Muslim enemies and create a "united" Spain. The Reconquest, left problems of religious difference, heresy, and

³¹ Synthesizing these opposing views of Spanish history, David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages*, interprets medieval and early modern eruptions of violence at the local level in Spain as necessary and useful to the maintenance of religious co-existence on a larger, peninsula-wide scale.

disunity that had to be fought all over again through forced conversions, expulsions, and Inquisition in the early modern period. In Spain, after the Reconquest era and post-1492, when Spain was supposedly a unified entity, religious and political conflicts persisted. The obsession with a Visigothic-era ideal of Christian hegemony also endured. This obsession concerning not only religion, but sexuality, gender, and law had antecedents in the late antique world of the church fathers, from whom Leander and Isidore borrowed. Like its late classical precedent, the Visigothic defeat of *disunity* was far from complete, either politically or religiously.

APPENDIX A

THE THIRD COUNCIL OF TOLEDO

Concilium Toletanum III

Toletana synodus tertia sexaginta duorum episcoporum, in qua Arriana haeresis in Spania condemnatur.

In nomine Domini nostri Iesu Christi, anno regnante quarto gloriosissimo atque piissimo et Deo fidelissimo domno Reccaredo rege, die octauo iduum maiarum, aera DCXXVII, haec sancta synodus habita est in civitatem regiam Toletanam ab episcopis totius Spaniae uel Galliae qui infra scripturi sunt.¹

Cum pro fidei suae sinceritate idem gloriosissimus princeps omnes regiminis sui pontifices in unum convenire mandasset ut tam de eius conversione quam de gentis Gotorum innouatione in Domino exsultarent et diuinae dignationi pro tanto munere gratias agerent, sanctissimus idem princeps sic uenerandum concilium alloquitur dicens:

Non incognitum reor esse uobis, reuerentissimi sacerdotes, quod propter instaurandam disciplinae ecclesiasticae formam ad nostrae uos serenitatis

Third Council of Toledo

The Third Toledan Council of sixty-two bishops, in which the Arian heresy in Spain is condemned.

In the name of our Lord Jesus Christ, with the most glorious lord king and also the most pious and faithful to God Reccared reigning in the fourth year, on the eighth day of the Ides of May, in the era 627, this holy council was held in the royal Toledan city by the bishops of the whole of Spain or Gaul who will be inscribed below.

When for the sincerity of his faith the same most glorious prince had ordered all the bishops of his kingdom to gather into one so that as much for his conversion as for the innovation of the Gothic people they might exult and give thanks to God for so great a gift of divine esteem, the same most holy prince thus addressed the venerable council saying:

I think it is not unknown to you, most reverent priests, that in order to restore the form of ecclesiastical discipline I have summoned you into the presence of our

¹ After three days of fasting and prayer that began on Thursday, 5 May, 589, the council officially opened on Sunday, 8 May, 589. The year 627 of the Spanish era equates to 589 A.D.

praesentiam deuocauerim. Et quia decursis retro temporibus haeresis imminens in tota ecclesia catholica agere synodica negotia denegabat, Deus, cui placuit per nos eiusdem haeresis obicem depellere, admonuit instituta de more ecclesiastica reparare. Ergo sit uobis iucunditatis, sit gaudii, quod mos canonicus prospectu Dei per nostram gloriam ad paternos reducit terminos. Prius tamen admoneo pariter et exhortor ieiuniis uos et uigiliis atque orationibus operam dare ut ordo canonicus, quem a sacerdotalibus sensibus detraxerat longa ac diuturna obliuio quae aetas nostra se nescire fatetur, divino uobis rursus dono patefiat.

Ad haec autem, gratias Deo agentes, et religiosissimo principi universo concilio in laudibus acclamante, triduanum est exinde praedicatum ieiunium.

Sed cum die octauo iduum maiarum in unum coetum Dei sacerdotes adessent et oratione praemissa unusquisque sacerdotum competenti loco resedissent, ecce in medio eorum adfuit serenissimus princeps, seque cum Dei sacerdotibus orationi communicans, diuino deinceps Flamine plenus sic ad loquendum exorsus est dicens:

Non credimus uestram latere sanctitatem quanto tempore in errorem Arrianorum laborasset Spania; et non multos post discessum genitoris nostri dies, quibus nos uestra beatitudo fidei sanctae catholicae cognouit esse sociatos,

serenity. And the heresy within the whole catholic church has refused to act in synodical business in times past, God, whom it pleases to dispel through us the obstacle of this same heresy, has advised [us] to repair the customs according to ecclesiastical law. Thus it is to you [an occasion] of pleasantness, it is [an occasion] of joy, that in view of God the canonical law is led back to [its] paternal boundaries through our glory. Yet beforehand, I equally suggest and exhort you to do this labor with fasts and vigils and also to offer prayers so that the canonical order, which has receded from sacerdotal assent in a long and tedious forgetfulness, which our age admits that it does not know, may by divine gift be available to you again.

For these things indeed, giving thanks to God, and with the entire council acclaiming for this most religious prince in praises, afterward there is preached a three-day fast.

But when on the eighth day of the Ides of May the priests of God were present in one assembly and having already offered the prayer every one of the priests had sat down in their proper place, behold into the midst of them came forth the most serene prince, followed with priests communicating in prayer, whence in full session he was urged to speak by the divine Priest saying:

We do not believe that it has escaped your sanctity that for a long time Spain has toiled in the error of the Arians; and not many days after the departure of our father, in which he recognized us to be fellows in the blessing of the holy catholic

credimus generaliter magnum et aeternum gaudium habuisse; et ideo, uenerandi patres, ad hanc uos peragendam congregari decreuimus synodum ut de hominibus nuper aduenientibus ad Christum ipsi aeternas Domino gratias deferatis. Quicquid uero uerbis apud sacerdotium uestrum nobis agendum erat de fide atque spe nostra qua gerimus, in hunc tomum conscripta atque allegata notescimus. Relegatur enim in medio uestri et iudicio synodali examinata per omne succiduum tempus gloria nostra eiusdem fidei testimonio decorata clarescat.

Susceptum est autem ab omnibus Dei sacerdotibus offerente rege sacrosanctae fidei tomum et pronuntiante notario clara uoce recensitum est ita:

Quamuis Deus omnipotens pro utilitatibus populorum regni nos culmen subire tribuerit et moderamen gentium non paucarum regiae nostrae curae commiserit, meminimus tamen nos mortalium condicione praestringi nec posse felicitatem futurae beatitudinis aliter promereri nisi nos cultui uerae fidei deputemus et conditori nostro saltim confessione, qua dignus ipse est, placeamus. Pro qua re quanto subditorum gloria regali extollimur, tanto prouidi esse debemus in his quae ad Deum sunt, uel nostram spem augere uel gentibus a Deo nobis creditis consulere. Ceterum quid pro tantis beneficiorum collationibus omnipotentiae diuinae ualeamus tribuere, quando omnia ipsius sunt et bonorum

faith, we trust to have been held a great and eternal joy generally; and for that reason, venerable the fathers, we have ordered you to accomplish this through the synod to be congregated so that concerning the men recently coming to Christ you may bring eternal thanks to the same Lord. Indeed, whatever was to be done in words, we have come before your sacerdotal presence concerning our faith and hope which are conscripted and deputed in this tome. For it is read out in your midst and our glory weighed by the synodal judgment through each succeeding age adorned by the witness of this same faith.

The king having offered the tome of the sacrosanct faith it was taken up moreover by all the priests of God and the scribe having announced in a clear voice it was recounted thus:

Although omnipotent God has allowed us to succeed to the eminence of the monarchy for the advantages of the people and has entrusted the government of the nations, not of the few, to our royal offices, so that bound by the condition of our mortality we otherwise recall that we are unable to merit the happiness of future blessedness unless we consider ourselves in the worship of the true faith and except by our confession to the creator, in so far as it is worthy to the same, it is pleasing to us. On account of which matter, as we are lifted up beneath the royal glory, so much the more ought we to be provided for in these things which are concerning God, either to increase our faith or to care for the nations entrusted to us by God. But

nostrorum nihil egeat,² nisi ut in eum sic tota deuotione credamus quemadmodum per scripturas sacras se ipse intellegi uoluit et credi praecepit? Id est ut confiteamur esse Patrem qui genuerit ex sua substantia Filium sibi coaequalem et coaeternum, non tamen ut ipse idem est Natus et Genitor, sed persona alius sit Pater qui genuit, alius sit Filius qui fuerit generatus, unius tamen uterque substantiae diuinitate subsistat: Pater ex quo sit Filius, ipse uero ex nullo sit alio; Filius qui habeat Patrem, sed sine initio et sine diminutione in ea qua Patri coaequalis et coaeternus est, diuinitate subsistat. Spiritus aequae Sanctus confitendus a nobis et praedicandus est a Patre et Filio³ procedere, et cum Patre et Filio unius esse substantiae; tertiam uero in Trinitate Spiritus Sancti esse personam, qui tamen communem habeat cum Patre et Filio diuinitatis essentiam. Haec enim sancta Trinitas unus est Deus, Pater et Filius et Spiritus Sanctus, cuius bonitate omnis licet bona sit condita creatura per assumptam tamen a Filio humani habitus formam a damnata progenie reformamur ad beatitudinem pristinam.

what are we strong [enough] to give in tribute for the favors of divine omnipotence, when all these things are his and he is in need of none of our goods, unless we so believe in him with complete devotion in the way that he orders himself to be believed and he desires himself to be understood through the holy scriptures? That is so that we confess the Father who from his substance begat the Son coequal and coeternal to him, yet not that the same Son is identical to the Creator, but is a different person whom the Father begat, the other is the Son who was generated, yet each of the two subsists in the divinity: the Father from whom the Son is, he indeed created by no one is a different subject; the Son who has a Father, but without beginning and without diminution in that which is coequal and coeternal to the Father, subsists in the divinity. Equally the Holy Spirit is confessed by us and is said to proceed from the Father and the Son, and is of one substance with the Father and the Son; indeed the third person in the Trinity is to be that of the Holy Spirit, who nevertheless has the common essence of divinity with the Father and the Son. For this holy Trinity is one God, Father and Son and Holy Spirit, whose benevolence permits every creature to be created good though through the form of the human condition assumed by the Son we are restored from a condemned progeny to a pristine blessedness.

Sed sicut uerae salutis indicium est Trinitatem in unitate et unitatem in Trinitate sentire, ita erit consummatae

But as it is evidence of true salvation to assent to the Trinity in unity and unity in the Trinity, so shall it be of consummate

² See Psalms 15:2.

³ The *filioque* clause is mentioned here for the first time in a Latin council.

iustitiae si eandem fidem intra uniuersalem ecclesiam teneamus et apostolica monita in apostolico positi fundamento seruemus. Vos tamen, Dei sacerdotes, meminisse oportet quanta hucusque ecclesia Dei catholica per Spanias aduersae partis molestiis laborauerit, dum et catholici constantem fidei suae tenerent ac defenderent veritatem et haeresis pertinaciori animositate propriae niteretur perfidiae. Me quoque, ut re ipsa conspiciatis, calore fidei accensum in eo Dominus excitauit, ut depulsa obstinatione infidelitatis et discordiae submoto furore populum qui sub nomine religionis famulabatur errori, ad agnitionem fidei et ecclesiae catholicae consortium reuocarem. Adest enim omnis gens Gotorum inclita et fere omnium gentium genuina uirilitate opinata, quae licet suorum prauitate doctorum a fide hactenus uel unitate ecclesiae fuerit catholicae segregata, toto nunc tamen mecum assensu concordans eius ecclesiae communioni participatur quae diuersarum gentium multitudinem materno sinu suscipit et caritatis uberibus nutrit, de qua propheta canente dicitur: «Domus mea domus orationis uocabitur omnibus gentibus».⁴ Nec enim sola Gotorum conuersio ad cumulum nostrae mercedis accessit, quin immo et Sueuorum gentis infinita multitudo, quam praesidio caelesti nostro regno subiecimus, alieno licet in haeresim deductam uitio, nostro tamen ad ueritatis originem studio reuocauimus. Proinde, sanctissimi patres, has nobilissimas gentes quae lucris per nos Dominicis applicatae sunt, quasi sanctum et placabile sacrificium per uestras manus

justice if we hold the same faith within the universal church and observe the apostolic commands arranged on an apostolic foundation. Yet you priests of God, it is fitting to remember how many of the molestations of evil parties the catholic church of God throughout the Spains has endured and for how long, while catholics have kept and have defended the constant truth of their faith and heresy has strived with the pertinacious animosity of its own perfidy. You may observe the very same thing, that I too inflamed by the Lord am excited with love of the faith, so that removed from the impulsive obstinacy of infidelity and from the furor of discord I recalled the people who under the name of religion were enslaved to error, to the acknowledgement of the faith and the fellowship of the catholic church. For present generally is the whole celebrated nation of the Goths genuinely regarded as the manliness of the whole people, which although thus far it has been segregated from the faith by the perverseness of their learned men and from the unity of the catholic church, yet now in agreement with me with its whole heart it is made a party in the communion which protects with the maternal embrace and suckles with the breasts of charity the multitude of diverse peoples, concerning which with the prophet prophesying it is said: "My house is called the house of prayer for all nations." For not alone did the conversion of the Goths increase the crown of our mercy, but rather the infinite multitude of the nation of the Suevi, which with heavenly assistance we placed

⁴ Isaiah 56:7.

aeterno Deo offero. Erit enim mihi immarcescibilis corona uel gaudium⁵ in retributione iustorum, si hi populi, qui nostra ad unitatem ecclesiae sollertia transcurrerunt, fundati in eadem et stabiliti permaneant. Sicut enim diuino nutu nostrae curae fuit hos populos ad unitatem Christi ecclesiae pertrahere, ita sit uestrae docibilitatis catholicis eos dogmatibus instituere quo in toto cognitione ueritatis instructi nouerint ex solido errorem haeresis perniciosae respuere et uerae fidei tramitem ex caritate retinere uel catholicae ecclesiae communionem desiderio audiori amplectere. Ceterum sicut facile ad ueniam peruenisse confido quod nescia hucusque tam clarissima errauerit gens, ita grauius esse non dubito si agnitam ueritatem dubio corde tenant atque a patenti lumine, quod absit, oculos suos auertant.

under our kingship, although led away into heresy by another's error, we nevertheless recalled by our devotion to the source of truth. Accordingly, most holy fathers, these most noble peoples which have been brought through us as Dominical riches to eternal God, I offer as a holy and pleasing sacrifice through your hands. For it will be to me an inexhaustible crown and even a joy in the retribution of justice, if these people, who were brought by our cunning into the unity of the church, persist in her established and made firm. For as it was by divine will our public duty to drag these peoples to the unity of the church of Christ, thus it is your office of teaching to institute them in the catholic dogmas by which in full recognition of truth the instructed shall know to reject in its entirety the error of pernicious heresy and out of charity to stay on the path of the true faith and even to embrace with more avid desire the communion of the catholic church. But just as I trust so famous a people to have come easily to forgiveness that ignorant had gone astray for such a long time, thus I do not doubt that it is graver if they hold the recognized truth with a doubtful heart and also avert their eyes from the manifest light, which is present.

Unde ualde pernecessarium esse prospexi uestram in unum conuenire beatitudinem, habens sententiae Dominicae fidem qua dicit: «Ubi fuerint duo aut tres collecti in nomine meo, ibi ero in medio eorum».⁶ Credo enim beatam sanctae Trinitatis diuinitatem huic sancto interesse concilio.

Whence it was foreseen to be exceedingly necessary for your blessedness to come together in one having faith in the Lord's judgment which says: "Where there are two or three gathered in my name, there will I be in the midst of them." For I trust the blessed divinity of the holy Trinity to

⁵ Philippians 4:1.

⁶ Matthew 18:20.

Et ideo tamquam ante conspectum Dei ita in medio uestri fidem meam protuli conscius admodum sententiae diuinae dicentis: «Non celaui misericordiam tuam et ueritatem tuam a congregatione multa»,⁷ uel apostolum Paulum Timotheo discipulo praecipientam audiui: «Certa bonum certamen fidei, apprehende uitam aeternam in qua uocatus es et confessus bonam confessionem coram multis testibus». ⁸ Vera est enim redemptoris nostri ex euangelio⁹ sententia qua confitentem se coram hominibus confiteri dicit coram Patre et negantem se esse negaturum. Expedit enim nobis id ore profiteri quod corde credimus, secundum caeleste mandatum quod dicitur: «Corde creditur ad iustitiam, oris autem confessio fit ad salutem». ¹⁰

be within this holy council. And for that reason beforehand in the sight of God I have thus brought my faith into your midst knowing the way of divine judgment saying: “I have not concealed your mercy or your truth from many in the congregation,” or I have heard the apostle Paul preaching to Timothy the disciple: “Fight the good fight of faith, lay hold of eternal life in which you are called and have confessed the good confession before many witnesses.” For the judgment of our redeemer is true as confessed by the evangelist, where he is said to be confessed by men before the Father and those denying him will be denied. For it is necessary for us to profess with the mouth that which we believe with the heart, according to heavenly command as it is said: “It is believed with the heart according to justice, but the confession of the mouth is made according to salvation.”

Proinde sicut anathematizo Arrium cum omnibus dogmatibus et complicitibus suis, qui unigenitum Dei Filium a Paterna degenerem asserabat esse substantia, nec a Patre genitum sed ex nihilo dicebat esse creatum, uel omnia concilia malignantium quae aduersus sanctam synodum Nicaenam exstiterunt, ita in honorem et in laudem fidem sanctam Nicaeni obseruo et honoro concilii, quam contra eundem rectae fidei pestem Arrium trecentorum decem et octo sancta episcopalis scripsit synodus. Amplector itaque et teneo fidem centum quinquaginta episcoporum

Accordingly, just as I condemned Arius with all his dogmas and complicities, who asserted the only-begotten Son of God to be a degenerate substance from the Paternal substance, said he was neither born from the Father, but created from nothing, and every spiteful council which was on record against the holy Nicene synod, thus do I observe in honor and in praise the holy faith of the Nicene council, which episcopal synod of three hundred ten and eight wrote against Arius, the same pestilence of the right faith. And so do I esteem and hold the faith of the

⁷ Psalms 39:11.

⁸ I Timothy 6:12.

⁹ Matthew 10:32.

¹⁰ Romans 10:10.

Constantinopolim congregatorum, quae Macedonium Spiritus Sancti substantiam minorantem et a Patris et Filii unitate et essentia segregantem iugulo ueritatis interemit. Primae quoque Ephesinae synodi fidem, quae aduersus Nestorium eiusque doctrinam lata est, credo pariter et honoro. Similiter et Calcedonensis concilii fidem, quam plenam sanctitate et eruditione aduersus Euticen et Dioscorum protulit, cum omni ecclesia catholica reuerenter suscipio. Omnium quoque orthodoxorum uenerabilium sacerdotum concilia quae ab his suprascriptis quattuor synodis fidei puritate non dissonant, pari ueneratione obseruo.

one hundred fifty bishops congregated at Constantinople, which slew by the throat the Macedonian [who held] the substance of the Holy Spirit to be less than and segregated from the unity and the essence of the true Father and Son. Also the faith of the First Ephesian synod, which acted against Nestorius and his doctrine, I believe equally and I honor. And similarly, the faith of the council of Chalcedon, which the council held with sanctity and erudition against Eutyches and Dioscorus, I accept reverently with the entire catholic church. Also the councils of all the venerable orthodox priests which do not disagree with the purity of the faith of the four above-written synods, I observe with equal veneration.

Properet ergo reuerentia uestra fidem hanc nostrum canonicis applicare monumentis, et ab episcopis uel religiosis aut gentis nostrae primoribus sollerter fidem quam in ecclesia catholica Deo crediderunt, audire; quam renotatam apicibus uel eorum subscriptionibus roboratam futuris olim temporibus in testimonium Dei atque hominum reseruare, ut eae gentes, quarum in Dei nomine regia potestate praecellimus et quae deterso antiquo errore per unctionem sacrosancti chrismatis uel manus impositionem Paraclitum intra Dei ecclesiam perceperunt Spiritum - quem unum et aequalem cum Patre et Filio confitentes eiusque dono in sinu ecclesiae sanctae catholicae collocatae sunt -, si eorum aliqui hanc rectam et sanctam confessionem nostrum minime credere uoluerint, iram Dei cum anathemate aeterno percipiant et de interitu suo fidelibus gaudium, infidelibus sint in

Thus your reverence should make haste to apply this our faith to the canonical records and to hear the faith from our bishops and religious and people of the first rank who diligently shall trust to God in the catholic church; which confirmation reinforced by the highest of them and by their subscriptions preserved in the testimony of men and also of God in some future time, so that these people, whose kingdom we confessing rule over with power in the name of God and because I have been wiped clean from the ancient error through the unction of sacrosanct chrism and the imposition of hands they have accepted the Paraclete within the church of God - which Spirit is one and equal with the Father and the Son and as his offering they are given in marriage into the embrace of the holy catholic church --, if any of them shall wish to believe this our right and holy confession to a lesser extent, let them

exemplum. Huic uero confessionis meae sanctas suprascriptorum conciliorum constitutiones contexui et testimonio diuino tota cordis simplicitate subscripsi.

receive eternal anathema with the wrath of God and through their perdition let them be a joy to the faithful and an example to the unfaithful. Indeed to the holy constitutions of the above written councils I have intertwined my confessions and by divine witness with total simplicity of heart I have signed below.

Incipit fides a sancto Nicaeno concilio edita.

Here begins the faith proclaimed by the holy Nicene council.

Credimus in unum Deum Patrem omnipotentem, omnium uisibilium et inuisibilium conditorem; et in unum Dominum Iesum Christum, Filium Dei, de Patre natum unigenitum, hoc est de substantia Patris, Deum ex Deo, lumen ex lumine, Deum uerum ex Deo uero, natum, non factum, homousion Patri, hoc est eiusdem cum Patre substantiae, per quem omnia facta sunt quae in caelo et quae in terra, qui propter nos et propter nostram salutem descendit et incarnatus est homo factus, passus est et resurrexit tertia die et ascendit in caelos, inde uenturus est iudicare uiuos et mortuos; et in Spiritum Sanctum. Eos autem qui dicunt: «Erat quando non erat» et «Antequam nasceretur non erat», et quia ex nullis exstantibus factus est, aut ex alia subsistentia uel substantia dicunt esse, aut conuertibilem uel mutabilem Filium Dei, anathematizat catholica et apostolica ecclesia.

We believe in one God the Father omnipotent, creator of all things visible and invisible; and in one Lord Jesus Christ, Son of God, the only-begotten born of the Father, that is from the substance of the Father, God from God, light from light, true God from true God, born, not made, homousion with the Father, that is of the same substance as the Father, through whom all things are made in heaven and in earth, who on account of us and on account of our salvation descended, was born and became man, he suffered and arose on the third day and ascended into the heavens, whence he came to judge the living and the dead; and in the Holy Spirit. Moreover they who say: "There was when he was not" and "Before he was born he was not," and since he was made from no existing things, either they who say him to be from another substance or substances, or they who say that he is the convertible or mutable Son of God, the catholic and apostolic church anathematizes.

Item sancta fides quam exposuerunt centum quinquaginta Patres, consona magnae Nicaenae synodo.

Similarly the holy faith which the one hundred fifty Fathers demonstrated, in agreement with the great Nicene synod.

Credimus in unum Deum Patrem omnipotentem, factorem caeli et terrae, uisibilem omnium et inuisibilem conditorem; et in unum Dominum Iesum Christum, Filium Dei unigenitum, ex Patre natum ante omnia saecula, Deum ex Deo, lumen ex lumine, Deum uerum ex Deo uero, natum, non factum, homousion Patri, hoc est eiusdem cum Patre substantiae, per quem omnia facta sunt quae in caelo et quae in terra, qui propter nos et propter nostram salutem descendit et incarnatus est de Spiritu Sancto et Maria uirgine homo factus, passus est sub Pontio Pilato, sepultus tertia die resurrexit, ascendit in caelos, sedet ad dexteram Patris iterum uenturus in gloria iudicare uiuos et mortuos, cuius regni non erit finis; et in Spiritum Sanctum, dominum et uiuificantem, ex Patre procedentem, cum Patre et Filio adorandum et glorificandum, qui locutus est per prophetas. In unam catholicam atque apostolicam ecclesiam; confitemur unum baptismum in remissione peccatorum; exspectamus resurrectionem mortuorum, uitam futuri saeculi. Amen.

Incipit tractatus Calcedonensis concilii.

Sufficerat quidem ad plenissimam pietatis agnitionem et confirmationem cautissimum hoc et salutare diuinae gratiae symbolum: de Patre enim et Filio et Spiritu Sancto doctrinam perfectam edocet, et incarnationem Dominicam fideliter susipientibus manifestat. Sed quoniam ii qui praedicationem ueritatis destruere nituntur, quasdam propriae haereseos nouitates parturient – quidam

We believe in one God the Father omnipotent, maker of heaven and earth, creator of all things visible and invisible; and in one Lord Jesus Christ, only-begotten Son of God, born from the Father before all the ages, God from God, light from light, true God from true God, born, not made, homousion with the Father, that is of the same substance as the Father, through whom all things are made that are in heaven and in earth, who on account of us and on account of our salvation descended and was born from the Holy Spirit and the virgin Mary and was made man, he suffered under Pontius Pilate, buried he arose on the third day, he ascended into the heavens, he sits at the right hand of the Father [whence] he will come again in glory to judge the living and the dead, whose kingdom will not end; and in the Holy Spirit, the lord and giver of life, proceeding from the Father, with the Father and the Son he is worshipped and glorified, he who has spoken through the prophets. In one catholic and also apostolic church; we confess one baptism in remission of sins, we await the resurrection of the dead, and the life of the world to come. Amen.

Here begins the treatment of the Council of Chalcedon.

Thus, indeed, this salutary symbol of divine grace had sufficed for the fullest acknowledgement and the most cautious confirmation of piety: for, concerning the Father and even the Son and the Holy Spirit, it teaches clearly a perfect doctrine, and for those taking it up faithfully, it manifests the Lordly incarnation. But because of those men who strive to destroy the proclamation of truth, these

enim mysterium pro nobis actum diuinae dispensationis audent corrumpere et uocem illam diuini partus factam ad Virginem denegant, alii temperamentum confusionemque inducentes et unam esse naturam carnis et deitatis insensate componentes passibilem Vnigenti diuinam naturam tali confusione prodigiose diuulgant --, idcirco omnem aduersus ueritatem opponendam ab ipsis machinationem uolens excludere, sancta et magna uniuersalis synodus, antiquam praedicationem immobilem docens, statuit praecipue trecentorum decem et octo sanctorum Patrum fidem incontaminatam manere. Et propter eos qui Spiritui Sancto aduersantur, centum quinquaginta Patrum paulo posteriori tempore in urbe Constantinopolitana conuenientium de substantia Spiritus Sancti traditam doctrinam corroborat, quam etiam illi omnibus insinuauerunt, non quod in praecedentibus aliquid deesset adicientes, sed de Spiritu Sancto eorundem intellectum aduersus eos qui deitatis eius dominationem nituntur adimere, scripturarum testimoniis plenius manifestantes. Propter eos sane qui dispensationis mysterium tentant corrumpere et purum hominem esse qui ex sancta Virgine natus est impudenter diuulgant, beatissimi quondam Cyrilli Alexandrinae ecclesiae sacerdotis synodicas epistolas tam ad Nestorium quam ad ceteros per Orientem congruas et sibi consentientes suscipit ad confutationem quidem Nestorianae amentiae interpretationem uero eorum qui religioso zelo salutaris symboli cupiunt intellectum. Quibus et epistolam sancti ac beatissimi primae sedis archiepiscopi Leonis ad Flauianum scriptam sanctae recordationis archiepiscopum ad

same ones will bear the novelties proper to heretics; indeed, those who dare to corrupt the sacred mystery act of divine dispensation done for us and for our salvation deny that word of the divine birth to a virgin, leading others into temper and confusion and insensibly putting together the one nature of the flesh and of an insensate deity, they preach the passible divine nature of God with such prodigious confusion --, for that reason they oppose the whole truth by their machination wishing to cut themselves off, this holy and universal synod has decreed unalterable the ancient teaching of the three hundred ten and eight of the holy Fathers, who set up the uncontaminated faith specially to endure. And because of these who were opposed to the Holy Spirit, one hundred fifty of the Fathers at a somewhat later time came into the city of Constantinople to corroborate the doctrine handed down concerning the substance of the Holy Spirit, which besides they have insinuated in all those things, adding that one thing cannot precede another thing from which it derives, but concerning the Holy Spirit they strive against them to take away the perception of his same deity, demonstrating it with the fullest testimonies of the scriptures. Because certainly those who attempt to corrupt the the mystery of dispensation and impudently disseminate that he is a pure man who was born from the holy Virgin, formerly the most blessed of priests of the Alexandrian church Cyril acceded to undertake the confutation of the Nestorian madness with the synodical letters as much to Nestorius as to certain others agreeing with him throughout the East and consenting among themselves,

perimendam Euticetis malignitatem, quaeque magni Petri confessione concordat, et communem quandam paginam existentem contra eos qui recte non glorificant, ad confirmationem catholicae religionis euidenter subiunxit. Nam et eos qui in duos filios dispensationis Dominicae mysterium scindere moliuntur, execratur; et eos qui passibilem diuinitatem unigeniti Filii audent asserere, de concilio sacerdotum repellit; et eos qui in duas naturas Christi temperamentum uel confusionem argumentantur, aduersatur; et qui caelestem aut alterius cuiusque substantiam existere formam serui quam pro nobis assumpsit insaniendo asserunt, procul abicit; et eos qui duas quidem ante adunationem naturas Domini delirant unam uero post adunationem confingunt, anathema facit.

[he undertook] the refutation indeed of these who with religious zeal seize the understanding of the salutary creed. And concerning which a letter was written from Leo the holy and most blessed archbishop of the first see to Flavianus archbishop of holy memory in order to destroy the malice of Eutyches, and also in agreement with the confession of the great Peter, and evidently he joined in the public matter a certain piece of writing against those whom they rightly do not glorify, to the confirmation of the catholic religion. And he who strives to split the mystery of the Lordly dispensation into two Sons, is detested; and he who dares to assert the suffering divinity of the only-begotten Son, the council of priests rejects; and those who argue for the temperament and confusion of Christ in two natures, it opposes; and whoever insanely asserts the heavenly substance to exist or the form of a slave which he assumed for us, it throws far away; and he who before a certain union speaks deliriously about the two natures of the Lord [and] indeed invents one [nature] after the union, is anathema.

Consentientes igitur sanctis Patribus unum eundemque Filium confiteri Dominum nostrum Iesum Christum consona voce pariter edocemur: perfectum eundem in diuinitate, perfectum eundem in humanitate, Deum uerum et hominem uerum, eundem ex anima rationali et corpore; secundum diuinitatem unius cum Patre naturae, secundum humanitatem eundem unius naturae nobiscum, per omnia simile nobis absque peccato; ante saecula quidem ex Patre natum secundum diuinitatem, in nouissimis uero diebus eundem propter

Agreeing therefore with the holy Fathers we are taught to confess equally the same Son our Lord Jesus Christ with one voice: the same one perfect in divinity, the same one perfect in humanity, true God and true man, the same one from a bodily and rational soul; according to divinity of one nature with the Father, the same one according to humanity of one nature with us, in everying like unto us, except in sin; who before the world was born from the Father according to divinity, indeed in the last days for us and for our salvation from Mary the virgin mother of God according

nos et propter salutem nostrum ex Maria uirgine Dei genetrice secundum humanitatem; unum eundemque Christum Filium Dominum unigenitum in duas naturas inconfuse, immutabiliter, indiuisse, inseparabiliter cognoscendo; in nullo naturarum differentias propter unitatem perimendas, magis autem salua utriusque naturae proprietate et in una coeunte persona unoque statu concurrente, non in duabus personis partiendum uel diuidendum, sed unum eundemque Filium unigenitum Deum Verbum Dominum Iesum Christum, sicut ab exordio prophetae de eo et ipse nos erudiuit et Patrum nobis tradidit symbolum.

His itaque cum omni undique subtilitate et diligentia a nobis ordinatis statuit sancta et uniuersalis synodus aliam fidem nulli licere proferre aut scribere aut edere aut separare aut docere aliter. Qui autem audent aut exponere aliam fidem aut proferre aut tradere alium symbolum uolentibus conuerti ad scientiam ueritatis ex gentibus, ex Iudaeis uel haereticis quibuscumque, si quidem aut episcopi aut clerici fuerint, alienos esse episcopos ab episcopatu et clericos a clero; si uero monachi aut laici fuerint, anathema fieri.

Ego Reccaredus rex fidem hanc sanctam et ueram confessionem, quam una per totum orbem catholica confitetur ecclesia, corde retinens, ore affirmans, mea dextera Deo protegente subscripsi.

to his humanity; one and the same Son Christ the Lord the only begotten intermingled in two natures, immutably, indivisibly, inseparably recognized, the different natures in no way the cause for destroying the unity, rather moreover saving both natures by propriety, and coming together in one person, and also in one condition combined, not in having been born and divided into two persons, but one and the same the only begotten Son of God the Word the Lord Jesus Christ, as from the beginning of the prophets concerning him and that same one taught us and the creed of the Fathers handed down to us.

And also these things having been arranged by us with every exactness and diligence the holy and universal synod resolved to permit none to utter or to write or to proclaim or to divide or to otherwise teach another faith. Moreover whoever dares either to set out another faith or to reveal or to relate another creed to whomsoever wishes to be converted from the gentiles, from the Jews or heretics to the knowledge of the truth, inasmuch as they shall have been either bishops or clerics, the bishops [are] to be exiles from the episcopate and the clerics from the clericate; if indeed they shall have been monks or laypersons, [they are] to be made anathema.

I Reccared king, to this holy faith and true confession, have confessed as one the catholic church throughout the whole world, retaining in the heart, affirming with the mouth, under God's protection, with my right hand, I have subscribed below.

Ego Baddo gloriosa regina hanc fidem,
quam credidi et suscepi, mea manu de
toto corde subscripsi.

I Baddo glorious queen, to this faith,
which I have believed and adopted, by my
hand with whole heart I have subscribed
below.

Tunc acclamatum est in laudibus Dei et in
fauore principis ab uniuerso concilio:

Thus it was acclaimed in praises to God
and in favor of the prince by the entire
council:

I Gloria Deo Patri et Filio et Spiritui
Sancto, cui cura est pacem et unitatem
ecclesiae suae sanctae catholicae
prouidere.

I Glory to God the Father and the Son and
the Holy Spirit, in whose care is the peace
and unity of their holy catholic church
provided.

II Gloria domino nostro Iesu Christo, qui
pretio sanguinis sui ecclesiam catholicam
ex omnibus gentibus congregauit.

II Glory to our lord Jesus Christ, who by
the price of his blood has gathered
together the catholic church from all
peoples.

III Gloria domino nostro Iesu Christo, qui
tam illustrem gentem unitati uerae fidei
copulavit et unum gregem et unum
pastorem instituit.

III Glory to our lord Jesus Christ, who has
united such an illustrious people in the
unity of the true faith and has instituted
one shepherd and one flock.

III Cui a Deo aeternum meritum nisi uero
catholico Reccaredo regi?

III To whom the eternal merit from God
unless to the truly catholic king Reccared?

V Cui a Deo aeterna corona nisi uero
orthodoxo Reccaredo regi?

V To whom the eternal crown from God
except the truly orthodox king Reccared?

VI Cui praesens gloria aeterna nisi uero
amatori Dei Reccaredo regi?

VI To whom the presence in eternal glory
except the truly beloved of God king
Reccared?

VII Ipse nouarum plebium in ecclesia
catholica conquisitor.

VII This diligent procurer of a new people
in the catholic church.

VIII Ipse mereatur ueraciter apostolicum
meritum, qui apostolicum impleuit
officium.

VIII May this man truly deserve apostolic
merit, who has fulfilled the apostolic duty.

VIII Ipse sit Deo et hominibus amabilis,
qui tam mirabiliter Deum glorificauit in

VIII May this man be amiable to God
and to men, who has so marvelously

terris.

Praestante Domino nostro Iesu Christo, qui cum Deo Patre uiuit et regnat in unitate Spiritus Sancti in saecula saeculorum. Amen.

In nomine domini Iesu Christi item fidei confessio episcoporum, presbyterorum uel primorum Goticae gentis qui infra subscripserunt.

Praecipiente autem uniuerso uenerabili concilio atque iubente, unus episcoporum catholicorum ad episcopos et religiosos uel maiores natu ex haerese Arriana conuersos eiusmodi allocutione exorsus est dicens:

Officii nostri cura et fidelissimi atque gloriosissimi principis admonitione propellimur diligenter a uestra caritate perquirere uel quid damnetis in haerese aut quid intra Dei sanctam catholicam credatis ecclesiam. Nam sicut dicente psalmista didicimus: «Incipite Domino in confessione»,¹¹ optimum est uestraeque saluti conueniens palam confiteri quod creditis, et sub auditu uniuersorum anathematizare quod respuistis. Tunc prorsus optime poteritis euangelicae atque apostolicae fidei participes fieri si eandem fidem catholicam ex confessione catholica incipiatu uel propria subscriptione firmetis. Et sicuti Deo iam de bona consensione cogniti estis conscientia, ita et proximis uos fidei sanctae adstipulatione monstretis. Eo itaque fiet ut et uos Christi esse corporis membra significetis et nostra exiguitas nihil dubium, nihil infidum unquam de uestra

glorified God on earth.

Through our excellent Lord Jesus Christ, who lives and reigns with God the Father in the unity of the Holy Spirit forever and ever. Amen.

In the name of the lord Jesus Christ likewise the confession of faith of the bishops, of the priests and of the nobles of the Gothic people who have signed below.

Moreover with the whole venerable council recommending and also decreeing it, one of the catholic bishops exhorted the converted bishops and religious and nobles born in the Arian heresy with an address saying in this way:

By the responsibility of our office and with the advice of our most faithful and also glorious prince we are impelled by our charity to inquire thoroughly both what you may condemn in heresy and what you may believe within the holy catholic church of God. For as we have learned with the psalmist saying: “Begin in confession to the Lord,” it is the best thing and befitting of your salvation to confess openly what you believe, and in the hearing of all to anathematize what you have spurned. Then most absolutely you can be made sharers of the evangelical and also apostolic faith if you undertake the same catholic faith according to the catholic confession and even confirm [it] in your own writing below. And now just as you in agreement with a good conscience have been recognized by God, so thus may you teach those nearest to you according to the

¹¹ Psalms 146:7.

suspicietur fraternitate, dum patuerit uos
tabem perfidiae Arrianae cum omnibus
dogmatibus, regulis, officiis,
communione, codicibus praedamnare et a
detestandae haereseos exspoliati
contagione, innovati quadammodo intra
ecclesiam Dei splendide habitu uerae fidei
clareatis.

stipulation of the faith. Therefore it will
be done thus so that you may indicate that
you are members of the body of Christ
and so that nothing doubtful or unfaithful
is suspected from your fraternity,
provided that it shall have been apparent
to you to condemn the putrefaction of the
Arian perfidy with all [its] dogmas, rules,
offices, communion, and plundered from
the contagion of the detestable heresy, so
that renewed in a certain way among the
church of God you shine forth splendidly
in the way of life of the true faith.

Tunc episcopi omnes cum clericis suis
primoresque gentis Goticae pari
consensione dixerunt:

Then all the bishops with their clerics and
the nobles of the Gothic people with equal
consent said:

Licet hoc quod fraternitas atque paternitas
uestra a nobis cupit audire uel fieri, iam
olim conuersionis nostrae tempore
egerimus, quando secuti gloriosissimum
dominum nostrum Reccaredum regem ad
Dei ecclesiam transiuimus et perfidiam
Arrianam cum omnibus supprestitutionibus
suis anathematizauimus pariter et
abiecimus, nunc uero propter caritatem et
deuotionem quam uel Deo uel ecclesiae
sanctae catholicae meminimus nos debere,
non tantum haec eadem quae petitis
promptissime agere properamus, sed et si
qua adhuc congrua fidei esse prospicitis,
nobis de caritate persuadite. Nos etenim
semel rectae fidei amor in eam
deuotionem aduexit, ut omne quod nobis
uerius fraternitas uestra patefecerit,
teneamus et liberali fateamur confessione.

Because it is lawful that your fraternity
and also paternity desires to hear from us
this [creed as a sign of the conversion] to
be made [by us], we now carry out [what
was done] formerly in the time of our
conversion, when following our most
glorious lord king Reccared we crossed
over to the church of God and
anathematized and gave up equally the
Arian perfidy with all its superstitions,
now indeed on account of the charity of
the holy catholic church and the devotion
that we remember we owe to God, we
hasten to do most promptly not only these
things which you seek, but if you still
perceive it to be in any way incongruent
with the faith, persuade us with charity.
For as love of the right faith has carried us
in such devotion, so whatever your
fraternity has most correctly disclosed to
us, we hold and freely admit by
confession.

Omnis ergo qui fidem et communionem
ab Arrio uenientem et hucusque a nobis

Thus any who coming to us from the
Arian faith and communion and holding

retentam adhuc tenere desiderat et de tota cordis intentione non damnat, anathema sit.

Quicumque Filium Dei Dominum Iesum Christum negauerit a Paterna substantia sine initio genitum et aequalem Patri esse uel consubstantialem, anathema sit.

Quicumque Spiritum Sanctum non credet aut non crediderit a Patre et Filio procedure eumque non dixerit coaeternum esse Patri et Filio et coessentialem, anathema sit.

Quicumque in Patre et Filio et Spiritu Sancto et personas non distinguit et unius diuinitatis substantiam non agnoscit, anathema sit.

Quicumque Filium Dei Dominum nostrum Iesum Christum et Spiritum Sanctum esse Patre minorem asseruerit et gradibus separauerit creaturamque esse dixerit, anathema sit.

Quicumque Patrem et Filium et Spiritum Sanctum unius substantiae, omnipotentiae et aeternitatis esse non credit, anathema sit.

Quicumque nescire Filium Dei Deum quae Pater sciat, dixerit, anathema sit.

Quicumque initium Filio Dei et Spiritu Sancto deputauerit, anathema sit.

Quicumque Filium Dei secundum

fast to it still desires to maintain and does not condemn it with whole-hearted intention, let him be anathema.

Whoever shall deny the Son of God the Lord Jesus Christ to be born from the Paternal substance without beginning and to be equal to and consubstantial with the Father, let him be anathema.

Whoever does not believe or shall not believe the Holy Spirit to proceed from the Father and the Son and shall not say that He is coeternal with the Father and the Son and coessential, let him be anathema.

Whoever does not distinguish the persons in the Father and the Son and the Holy Spirit and does not acknowledge the single substance of the divinity, let him be anathema.

Whoever asserts that our Lord Jesus Christ the Son of God and the Holy Spirit are less than the Father and divides [them] into ranks and says that [they] are created, let him be anathema.

Whoever does not believe the Father and the Son and the Holy Spirit to be of one omnipotent and eternal substance, let him be anathema.

Whoever says that the Son of God does not know those things which God the Father knows, let him be anathema.

Whoever thinks that the beginning of God in the Son and in the Holy Spirit is different, let him be anathema.

Whoever shall dare to confess the Son of

diuinitatem suam uisibilem aut passibilem ausus fuerit profiteri, anathema sit.

God according to his visible and passible divinity, let him be anathema.

Quicumque Spiritum Sanctum sicut Patrem et Filium uerum Deum et omnipotentem esse non credit, anathema sit.

Whoever likewise does not believe the Holy Spirit to be the Father and the Son true God and omnipotent, let him be anathema.

Quicumque alibi fidem et communionem catholicam praeter ecclesiam uniuersalem esse credit (illam dicimus ecclesiam quae Nicaeni et Constantinopolitani et primi Epheseni et Calcedonensis concilii decreta tenent pariter et honorant), anathema sit.

Whoever believes the catholic faith and communion to be elsewhere but the universal church (we say that church which holds equally and honors the decrees of the Nicene and Constantinopolitan and first Epheseian and Chalcedonian councils), let him be anathema.

Quicumque Patrem et Filium et Spiritum Sanctum honore et gloria et diuinitate separat et disiungit, anathema sit.

Whoever separates and disconnects the Father and the Son and the Holy Spirit in honor and glory and divinity, let him be anathema.

Quicumque Filium Dei et Spiritum Sanctum cum Patre non crediderit esse glorificandos et honorandos, anathema sit.

Whoever shall not believe the Son of God and the Holy Spirit to be glorified and honored with the Father, let him be anathema.

Quicumque non dixerit «Gloria Patri et Filio et Spiritui Sancto», anathema sit.

Whoever does not say “Glory to the Father and to the Son and to the Holy Spirit,” let him be anathema.

Quicumque rebaptizandi sacrilegum opus bonum esse credit aut crediderit, agit aut egerit, anathema sit.

Whoever believes or may have believed the work of rebaptizing to be good or does or may have done the sacrilege, let him be anathema.

Quicumque libellum detestabilem duodecimo anno Leuigildi regis a nobis editum, in quo continetur Romanorum ad haeresem Arrianam transductionem et in quo «Gloria Patri per Filium in Spiritu Sancto» male a nobis instituta continetur, hunc libellum si quis pro uero habuerit,

Whoever the detestable book in the twentieth year of the king Leovigild, written by the king to us setting forth the bringing across of the Romans to the Arian heresy, and in which is contained the “Glory to the Father, through the Son, in the Holy Spirit” a custom evil to us, if

anathema in aeternum sit.

any shall have held this book, let him be anathema in eternity.

Quicumque Ariminense concilium non ex toto corde respuerit et damnauerit, anathema sit.

Whoever has not spit out and condemned the Council of Rimini with his whole heart, let him be anathema.

Confitemur enim nos ex haerese Arriana todo corde, tota anima et de tota mente nostra ad ecclesiam catholicam fuisse conuersos. Nulli dubium est nos nostrosque decessores errasse in haerese Arriana et fidem euangelicam atque apostolicam nunc intra ecclesiam catholicam didicisse.

We confess ourselves to have been converts from the Arian heresy to the catholic church with whole heart, whole soul, and whole mind. No one doubts us and our predecessors to have erred in the Arian heresy, and yet now to have been taught the evangelical and apostolic faith within the catholic church.

Proinde fidem sanctam quam praefatus religiosissimus domnus noster patefecit in medio concilii et manu sua subscripsit, hanc et nos tenemus, hanc confitemur pariter et suscipimus, hanc in populis praedicare atque docere promittimus. Haec est uera fides quam omnis ecclesia, dum per totum mundum tenet, catholica esse creditur et probatur.

Accordingly the holy faith, which our most holy lord recited beforehand, was disclosed in the midst of the council and inscribed with his hand, this we ourselves hold, and this we confess equally and adopt, this we promise to preach and also to teach to the people. This is the true faith which since it binds the whole world, is proved and believed by all to be the catholic church.

Cuius haec fides non placet aut non placuerit, sit anathema maranatha¹² in aduentum Domini nostri Iesu Christi.

To anyone to whom this faith is not pleasing or has not been pleasing, let him be anathema maranatha until the coming of the our Lord Jesus Christ.

Qui fidem spernit Nicaeni concilii, anathema sit.

Whoever spurns the faith of the Nicene council, let him be anathema.

Qui fidem concilii Constantinopolitani centum quinquaginta episcoporum ueram esse non dixerit, anathema sit.

Whoever does not utter the true faith of the one hundred fifty bishops of the Council of Constantinople, let him be anathema.

Qui fidem Epheseni synodus primi et

Whoever does not hold the faith of the

¹² I Corinthians 16:22; lit. "Come, Lord, come."

Calcidonensis non tenet et delectatur, anathema sit.

Qui concilia omnium orthodoxorum episcoporum consona conciliorum Nicaeni, Constantinopolitani, primi Epheseni et Calcidonensis non recipit, anathema sit.

Proinde damnationem hanc perfidiae et communicationis Arrianae et omnium conciliorum haeresem Arrianam fouentium cum anathemate eorum propria manu subscripsimus, constitutiones uero sanctorum conciliorum Nicaeni, Constantinopolitani, Epheseni, uel Calcidonensis, quas gratissima aure audiuius et consensione nostra ueras esse probauimus, de toto corde et de tota anima et de tota mente nostra subscripsimus, nihil ad cognitionem ueritatis lucidius arbitantes quam supradictorum conciliorum continent auctoritates. De trinitate autem et unitate Patris et Filii et Spiritus Sancti nihil his uerius, nihil lucidius unquam potest uel poterit demonstrari; de mysterio incarnationis unigeniti Filii Dei pro salute humani generis – quo et uera probatur humanae naturae sine peccati contagione susceptio et permanet incorruptae in eo diuinitatis plenitudo dum et natura uterque non deperit et una fit ex utraque Domini nostri Iesu Christi persona – satis plena in his conciliis probatur patefieri ueritate et a nobis creditur omni remota dubitatione.

first Ephesian synod and of the Chalcedonian [one], and he by whom it is not loved, let him be anathema.

Whoever does not accept all the councils of the orthodox bishops in agreement with the Nicene constitutions, the Constantinopolitan, first Ephesian, and Chalcedonian councils, let him be anathema.

Accordingly we inscribe below by our own hands this condemnation of the Arian perfidy and communication and with anathema of all the councils maintaining the Arian heresy, indeed we inscribe the constitutions of the most holy Nicene, Constantinopolitan, Ephesian and Chalcedonian councils, which we hear with most grateful ears, and which we have approved by our unanimity to be truthful, with whole heart and whole soul and whole mind. Nothing witnesses to the lucid understanding of the truth so much as the authorities which the above referenced councils contain. Concerning moreover the trinity and unity of the Father, the Son and the Holy Spirit nothing more truthful, nothing more lucid than these can be demonstrated; concerning the mystery of the incarnation of the only begotten Son of God for the salvation of the human race, in his undertaking - which is truly proved, of human nature without the contagion of sin and remaining of uncorrupted nature in the fullness of divinity, since from both natures he did not perish, our Lord Jesus Christ is one person from both natures - it is truthfully proven to be made evident in these councils, and it is believed by us without the remotest doubt.

Si qui unquam hanc fidem sanctam deprauare, corrumpere, mutare tentauerit aut ab eadem fide uel communione catholica, quam nuper sumus Deo miserante adepti, egredi, separari uel dissociari uoluerint, sint Deo et uniuerso mundo crimine infidelitatis in aeternum obnoxii.

Floreat autem ecclesia sancta catholica per omnem mundum pacatissime et emineat doctrina, sanctitate et potestate.

Si qui intra eam fuerint, crediderint, communicauerint, ii audient ad dexteram Patris positi: «Venite, benedicti Patris mei, percipite regnum quod uobis paratum est a constitutione mundi».¹³

Si qui autem ab ea recesserint eiusque detraxerint fidei et communionem respuerint, ii audient ore diuino in die iudicii: «Discedite a me, maledicti, nescio uos, ite in ignem aeternum qui paratus est diabolo et angelis eius».¹⁴

Sint ergo damnata in caelo et in terra quaecumque per hanc catholicam fidem damnantur,

et sint accepta in caelo et in terra quaecumque in hanc fidem accipiuntur.

If any shall have ever weakened this holy faith to deprave, corrupt or change it, or has wished to adapt, depart, be separated, or disassociated from the catholic faith or communion, as we wretchedly were not long ago from God, let them be held guilty of the crime of infidelity by God and the whole world for eternity.

May the holy catholic church moreover prosper throughout the whole world most peacefully and may its doctrine emanate, with sanctity and power.

If any within [the holy catholic church] shall have been, shall have believed, shall have communicated, let those hear from him placed at the right [hand] of the Father: “Come, to me blessed of my Father, receive the kingdom which was created from the constitution of the world for you.”

If any moreover shall have desired to depart from her and has rejected the communion of her faith, let those hear from the divine mouth on the day of judgment: “Depart from me, you that are accursed, I do not know you, hence into the eternal fire, which was prepared for the devil and his angels.”

Thus may they be damned in heaven and in earth whomsoever are condemned through this holy catholic faith,

and may they be accepted in heaven and in earth whomsoever are accepted into this faith.

¹³ Matthew 25:34.

¹⁴ Matthew 25:41; 25:12.

Regnante Domino nostro Iesu Christo, cui cum Patre et Spiritu Sancto est gloria in saecula saeculorum.

With our Lord Jesus Christ reigning, to whom with the Father and the Holy Spirit is the glory forever and ever.

Incipit fides a sancto Nicaeno concilio edita.

Here begins the faith proclaimed by the holy Nicene council.

Credimus in unum Deum Patrem omnipotentem, omnium uisibilium et inuisibilium conditorem; et in unum Dominum Iesum Christum, Filium Dei, de Patre natum unigenitum, hoc est de substantia Patris, Deum ex Deo, lumen ex lumine, Deum uerum ex Deo uero, natum, non factum, homousion Patri, hoc est eiusdem cum Patre substantiae, per quem omnia facta sunt quae in caelo et quae in terris, qui propter nos et propter nostram salutem, descendit et incarnatus est, passus est et resurrexit tertia die et ascendit in caelos, inde uenturus est iudicare uiuos et mortuos; et in Spiritum Sanctum. Eos autem qui dicunt: «Erat quando non erat» et «Antequam nasceretur non erat», et quia ex nullis exstantibus factus est, aut ex alia subsistentia uel substantia dicunt esse, aut conuertibilem uel mutabilem Filium Dei, anathematizat catholica et apostolica ecclesia.

We believe in one God the Father omnipotent, creator of all things visible and invisible; and in one Lord Jesus Christ, Son of God, the only-begotten born of the Father, that is from the substance of the Father, God from God, light from light, true God from true God, born, not made, homousion with the Father, that is of the same substance as the Father, through whom all things are made in heaven and in earth, who on account of us and on account of our salvation descended and was born [and] became man, he suffered and arose on the third day and ascended into the heavens, whence he came to judge the living and the dead; and in the Holy Spirit. Moreover they who say: "There was when he was not" and "Before he was born he was not," and since he was made from no existing things, either they say him to be from another substance or substances, or they say that he is the convertible or mutable Son of God, the catholic and apostolic church anathematizes.

Item sancta fides quam exposuerunt centum quinquaginta Patres consona magnae Nicaeni synodo.

Similarly the holy faith which the one hundred fifty Fathers demonstrated, in agreement with the great Nicene synod.

Credimus in unum Deum Patrem omnipotentem, factorem caeli et terrae, uisibilium omnium et inuisibilium conditorem; et in unum dominum Iesum Christum, Filium Dei unigenitum, ex

We believe in one God the Father omnipotent, maker of heaven and earth, creator of all things visible and invisible; and in one Lord Jesus Christ, only-begotten Son of God, born from the

Patre natum ante omnia saecula, Deum ex Deo, lumen ex lumine, Deum uerum ex Deo uero, natum, non factum, homousion Patri, hoc est eiusdem cum Patre substantiae, per quem omnia facta sunt quae in caelo et quae in terris, qui propter nos et propter nostram salutem descendit et incarnatus est de Spiritu Sancto et Maria uirgine homo factus, passus est sub Pontio Pilato, sepultus tertia die resurrexit, ascendit in caelos, sedet ad dexteram Patris iterum uenturus in gloria iudicare uiuos et mortuos, cuius regni non erit finis; et in Spiritum Sanctum, dominum et uiuificantem, ex Patre procedentem, cum Patre et Filio adorandum et glorificandum, qui locutus est per prophetas. In unam catholicam atque apostolicam ecclesiam; confitemur unum baptisma in remissione peccatorum; exspectamus resurrectionem mortuorum, uitam futuri saeculi. Amen.

Father before all the ages, God from God, light from light, true God from true God, born, not made, homousion with the Father, that is of the same substance as the Father, through whom all things are made that are in heaven and in earth, who on account of us and on account of our salvation descended and was born from the Holy Spirit and the virgin Mary and was made man, he suffered under Pontius Pilate, buried he arose on the third day, he ascended into the heavens, he sits at the right hand of the Father [whence] he will come again in glory to judge the living and the dead, whose kingdom will not end; and in the Holy Spirit, the lord and giver of life, proceeding from the Father, with the Father and the Son he is worshipped and glorified, he who has spoken through the prophets. In one catholic and also apostolic church; we confess one baptism in remission of sins, we await the resurrection of the dead, and the life of the world to come. Amen.

Item tractatus Calcedonensis concilii.

Here begins the treatment of the council of Chalcedon.

Sufficerat quidem ad plenissimam pietatis agnitionem et confirmationem cautissimum hoc et salutare diuinae gratiae symbolum: de Patre enim et Filio et Spiritu Sancto doctrinam perfectam edocet, et incarnationem Dominicam fideliter susipientibus manifestat. Sed quoniam ii qui praedicationem ueritatis destruere nituntur, quasdam propriae haereseos nouitates parturient – quidam enim mysterium pro nobis actum diuinae dispensationis audent corrumpere et uocem illam diuini partus factam ad Virginem denegant, alii temperamentum confusionemque inducentes et unam esse

It [the Council of Chalcedon] had sufficed indeed for the fullest acknowledgement and most cautious confirmation of piety and this salutary symbol for divine grace concerning the Father and even the Son and the Holy Spirit teaches clearly a perfect doctrine, and for those taking it up it faithfully manifests the Lordly incarnation. But because of those men who strive to destroy the proclamation of truth, these same ones will bear the novelties proper to heretics; for those who dare to corrupt the sacred mystery act of divine dispensation done for us and for our salvation deny that word of the divine

naturam carnis et deitatis insensate componentes passibilem Vnigenti diuinam naturam tali confusione prodigiose diuulgant --, idcirco omnem aduersus ueritatem opponendam ab ipsis machinationem uolens excludere, sancta et magna uniuersalis synodus, antiquam praedicationem immobilem docens, statuit praecipue trecentorum decem et octo sanctorum Patrum fidem incontaminatam manere. Et propter eos qui Spiritui Sancto aduersantur, centum quinquaginta Patrum paulo posteriori tempore in urbe Constantinopolitana conuenientium de substantia Spiritus Sancti traditam doctrinam corroborat, quam etiam illi omnibus insinuauerunt, non quod in praecedentibus aliquid deesset adicientes, sed de Spiritu Sancto eorundem intellectum aduersus eos qui deitatis eius dominationem nituntur adimere, scripturarum testimoniis plenius manifestantes. Propter eos sane qui dispensationis mysterium tentant corrumpere et purum hominem esse qui ex sancta Virgine natus est impudenter diuulgant, beatissimi quondam Cyrilli Alexandrinae ecclesiae sacerdotis synodicas epistolas tam ad Nestorium quam ad ceteros per Orientem congruas et sibi consentientes suscipit ad confutationem quidem Nestorianae amentiae interpretationem uero eorum qui religioso zelo salutaris symboli cupiunt intellectum. Quibus et epistolam sancti ac beatissimi primae sedis archiepiscopi Leonis ad Flauianum scriptam sanctae recordationis archiepiscopum ad perimendam Euticetis malignitatem, quaeque magni Petri confessione concordat, et communem quandam paginam existentem contra eos qui recte non glorificant, ad confirmationem

birth to a virgin, leading others into temper and confusion and insensibly putting together the one nature of the flesh and of an insensate deity, they preach the passible divine nature of God with such prodigious confusion --, for that reason they oppose the whole truth by their machination wishing to cut themselves off, this great and holy universal synod, has decreed the ancient teaching of the three hundred ten and eight of the holy Fathers unalterable, who set up the uncontaminated faith specially to endure. And because of them who were opposed to the Holy Spirit, one hundred fifty of the Fathers at a somewhat later time came into the city of Constantinople to corroborate the doctrine handed down concerning the substance of the Holy Spirit, which besides they have insinuated in all those things, adding that one thing cannot precede another thing from which it derives, but concerning the Holy Spirit they strive against them to take away the perception of his same deity, demonstrating it with the fullest testimonies of the scriptures. Because certainly those who attempt to corrupt the the mystery of dispensation and impudently disseminate that he is a pure man who was born from the holy Virgin, formerly the most blessed of priests of the Alexandrian church Cyril acceded to undertake the confutation of the Nestorian madness with the synodical letters as much to Nestorius as to certain others agreeing with him throughout the East and consenting among themselves, [he undertook] the refutation indeed of they who with religious zeal seize the understanding of the salutary creed. And concerning which a letter was written from Leo the holy and most blessed

catholicae religionis euidenter subiunxit. Nam et eos qui in duos filios dispensationis Dominicae mysterium scindere moliuntur, execratur; et eos qui passibilem diuinitatem unigeniti Filii audent asserere, de concilio sacerdotum repellit; et eos qui in duas naturas Christi temperamentum uel confusionem argumentantur, aduersatur; et qui caelestem aut alterius cuiusque substantiam exsistere formam serui quam pro nobis assumpsit insaniendo asserunt, procul abicit; et eos qui duas quidem ante adunationem naturas Domini delirant unam uero post adunationem confingunt, anathema facit.

archbishop of the first see to Flavianus archbishop of holy memory in order to destroy the malice of Eutyches, and also in agreement with the confession of the great Peter, and evidently he joined in the public matter a certain piece of writing against those whom they rightly do not glorify, to the confirmation of the catholic religion. And he who strives to split the mystery of the Lordly dispensation into two Sons, is detested; and he who dares to assert the suffering divinity of the only begotten Son, the council of priests rejects; and those who argue for the temperament and confusion of Christ in two natures, it opposes; and whoever insanely asserts the heavenly substance to exist or the form of a slave which he assumed for us, it throws far away; and he who before a certain union speaks deliriously about the two natures of the Lord [and] indeed invents one [nature] after the union, is anathema.

Consentientes igitur sanctis Patribus unum eundemque Filium confiteri Dominum nostrum Iesum Christum consona voce pariter edocemur: perfectum eundem in diuinitate, perfectum eundem in humanitate, Deum uerum et hominem uerum, eundem ex anima rationali et corpore; secundum diuinitatem unius cum Patre naturae, secundum humanitatem eundem unius naturae nobiscum, per omnia simile nobis absque peccato; ante saecula quidem ex Patre natum secundum diuinitatem, in nouissimis uero diebus eundem propter nos et propter salutem nostrum ex Maria uirgine Dei genetrice secundum humanitatem; unum eundemque Christum Filium Dominum unigenitum in duas naturas inconfuse, immutabiliter,

Agreeing therefore with the holy Fathers we are clearly taught to confess equally with one voice the same Son our one Lord Jesus Christ: the same one perfect in divinity, the same one perfect in humanity, true God and true man, the same one from a bodily and rational soul; according to divinity of one nature with the Father, the same one according to humanity of one nature with us, in everying like unto us, except in sin; who before the world was born from the Father according to divinity, indeed in the last days for us and for our salvation from Mary the virgin mother of God according to his humanity; one and the same Son Christ the Lord the only-begotten intermingled in two natures, immutably, indivisibly, inseparably recognized, the

indiuise, inseparabiliter cognoscendo; in nullo naturarum differentias propter unitatem perimendas, magis autem salua utriusque naturae proprietate et in una coeunte persona unoque statu concurrente, non in duabus personis partiendum uel diuidendum, sed unum eundemque Filium unigenitum Deum Verbum Dominum Iesum Christum, sicut ab exordio prophetae de eo et ipse nos erudiuit et Patrum nobis tradidit symbolum.

different natures in no way the cause for destroying the unity, rather moreover saving both natures by propriety, and coming together in one person, and also in one condition combined, not in having been born and divided into two persons, but one and the same the only begotten Son of God the Word the Lord Jesus Christ, as from the beginning of the prophets concerning him and that same one taught us and the creed of the Fathers handed down to us.

His itaque cum omni undique subtilitate et diligentia a nobis ordinatis statuit sancta et uniuersalis synodus aliam fidem nulli licere proferre aut scriber aut edere aut separare aut docere aliter. Qui autem audent aut exponere aliam fidem aut proferre aut docere aut trader alim symbolum uolentibus counerti ad scientiam ueritatis ex gentibus, ex Iudaeis uel haereticis quibuscumque, si quidem episcopo auto clerici fuerint, alienos esse episcopos ab episcopate et clericos a clero; si uero monachi uel laici fuerint, anathema fieri.

And also these things having been arranged by us with every exactness and diligence the holy and universal synod resolved to permit none to utter or to write or to proclaim or to divide or to otherwise teach another faith. Moreover whoever dares either to set out another faith or to reveal or to relate another creed to whomsoever wishes to be converted from the gentiles, from the Jews or heretics to the knowledge of the truth, inasmuch as they shall have been either bishops or clerics, the bishops [are] to be exiles from the episcopate and the clerics from the clericate; if indeed they shall have been monks or laypersons, [they are] to be made anathema.

Ugnas in Christi nomine episcopus, anathematizans haeresi Arrianae dogmata superius damnata, fidem hanc sanctam catholicam, quam in ecclesia catholica ueniens credidi, manu mea de toto corde subscripsi.

Ugnas bishop in the name of Christ, anathematizing the dogmas of the Arian heresy condemned above, this holy catholic faith, which I have professed coming into the catholic church, by my hand with my whole heart I have subscribed.

Murila in Christi nomine episcopus, anathematizans haeresi Arrianae dogmata superius damnata, fidem hanc sanctam catholicam, quam in ecclesia catholica

Murila bishop in the name of Christ, anathematizing the dogmas of the Arian heresy condemned above, this holy catholic faith, which I have professed

ueniens credidi, manu mea de toto corde subscripsi.

coming into the catholic church, by my hand with my whole heart I have subscribed.

Vuiligisclus in Christi nomine episcopus, anathematizans haeresi Arrianae dogmata superius damnata, fidem hanc sanctam catholicam, quam in ecclesia catholica ueniens credidi, manu mea de todo corde subscripsi.

Vuiligisclus bishop in the name of Christ, anathematizing the dogmas of the Arian heresy condemned above, this holy catholic faith, which I have professed coming into the catholic church, by my hand with my whole heart I have subscribed.

Sunnila in Christi nomine ciuitatis Vesensis episcopus, anathematizans haeresi Arrianae dogmata superius damnata, fidem hanc sanctam catholicam, quam in ecclesia catholica veniens credidi, manu mea de toto corde subscripsi.

Sunnila bishop in the name of Christ of the city of Viseo (Portugal), anathematizing the dogmas of the Arian heresy condemned above, this holy catholic faith, which I have professed coming into the catholic church, by my hand with my whole heart I have subscribed.

Gardingus in Christi nomine ciuitatis Tudensis episcopus, anathematizans haeresi Arrianae dogmata superius damnata, fidem hanc sanctam catholicam, quam in ecclesia catholica ueniens credidi, manu mea de toto corde subscripsi.

Gardingus bishop in the name of Christ of the city of Tuy, anathematizing the dogmas of the Arian heresy condemned above, this holy catholic faith, which I have believed coming into the catholic church, by my hand with my whole heart I have subscribed.

Beccila in Christi nomine ciuitatis Lucensis episcopus, anathematizans haeresi Arrianae dogmata superius damnata, fidem hanc sanctam catholicam, quam in ecclesia catholica ueniens credidi, manu mea de toto corde subscripsi.

Beccila bishop in the name of Christ of the city of Alicante, anathematizing the dogmas of the Arian heresy condemned above, this holy catholic faith, which I have believed coming into the catholic church, by my hand with my whole heart I have subscribed.

Arruittus in Christi nomine ciuitatis Portucalensis episcopus, anathematizans haeresi Arrianae dogmata superius damnata, fidem hanc sanctam catholicam, quam in ecclesia catholica ueniens credidi, manu mea de toto corde

Arruittus bishop in the name of Christ of the city of Oporto, anathematizing the dogmas of the Arian heresy condemned above, this holy catholic faith, which I have believed coming into the catholic church, by my hand with my whole heart I

subscripsi.

have subscribed.

Fruisclus in Christi nomine ciuitatis Dertosanae episcopus, anathematizans haeresi Arrianae dogmata superius damnata, fidem hanc sanctam catholicam, quam in ecclesia catholica ueniens credidi, manu mea de toto corde subscripsi.

Fruisclus bishop in the name of Christ of the city of Tortosa, anathematizing the dogmas of the Arian heresy condemned above, this holy catholic faith, which I have believed coming into the catholic church, by my hand with my whole heart I have subscribed.

Similiter et reliqui presbyteri et diacones ex haerese Arriana conuersi subscripserunt.

And similarly the remainder of the priests and the deacons converted from the Arian heresy have subscribed.

Signum Gussini uiri illustris proceri.

The sign of the noble royal official Gussinus.

Fonsa uir illuster anathematizans subscripsi.

I Fonsa a royal official, anathematizing, have subscribed.

Afila uir illuster anathematizans subscripsi.

I Afaila a royal official, anathematizing, have subscribed.

Aila uir illuster anathematizans subscripsi.

I Aila a royal official, anathematizing, have subscribed.

Ella uir illuster anathematizans subscripsi.

I Ella a royal official, anathematizing, have subscribed.

Similiter et omnes seniores Gotorum subscripserunt.

And similarly all the military leaders of the Goths have subscribed.

Post confessionem igitur et subscriptionem omnium episcoporum et totius gentis Goticae seniorum gloriosissimus dominus noster Reccaredus rex pro reparandos simul et confirmandos disciplinae ecclesiasticae mores, Dei sacerdotes taliter affatus est dicens:

Therefore after the confession and subscription of all the bishops and the whole of the military leaders of the Gothic people our most glorious lord king Reccared for restoring as well as confirming the customs of ecclesiastical discipline, addressed the priests of God saying thusly:

Regia cura usque in eum modum protendi debet et dirigi quem plenam constet

Royal attention ought to be aimed and resolves to be directed in such a way as to

ueritatis et scientiae capere rationem. Nam sicut in rebus humanis gloriosius eminet potestas regia, ita et prospiciendae commoditati prouincialium maior debet esse et prouidentia. At nunc, beatissimi sacerdotes, non in eis tantummodo rebus diffundimus sollertiam nostrum quibus populi sub nostro regimine positi pacatissime gubernentur et uiuant, sed etiam in adiutorio Christi extendimus nos ad ea quae sunt caelestia cogitare, et quae populos fideles efficiunt, satagimus non nescire. Ceterum si totis nitendum est uiribus humanis moribus modum ponere et insolentium rabiem regia potestate refrenare, si quieti et paci propagandae opem debemus impendere, multo magis est adhibenda sollicitudo desiderare et cogitare diuina, inhiare sublimia et ab errore retractis populis ueritatem eis serena luce ostendere. Sic enim agit qui multiplici bono se a Deo remunerari confidit; sic enim audit qui super id quam quod ei committitur augit dum illi dicitur: «Quicquid supererogaueris, ego cum rediero reddam tibi».¹⁵ Ergo quia iam fidei nostrae et confessionis formam plena serie uestra beatitudo recensuit simulque et sacerdotum nostrorumque procerum fides atque confessio sanctitati uestrae perpatuit, hoc adhuc necessario pro firmitate catholicae fidei nostra Deo supplex instituere decreuit auctoritas, ut propter roborandam gentis nostrae nouellam conuersionem omnes Spaniarum et Galliae ecclesiae hanc regulam seruent, ut omni sacrificii tempore ante communicationem corporis Christi uel sanguinis iuxta Orientalium partium morem unanimiter clara uoce sacratissimum fidei recenseant symbolum,

take in hand the full system of truth and knowledge. For just as in the affairs of men the royal power shines most gloriously in human affairs, so also ought its greater guidance to be providing usefully for the ease of the citizens. But now, oh most blessed priests, not only do we pour forth our expert care in which our people placed under our rule to be governed peacefully live, but also in support of Christ we extend ourselves toward the celestial things which they are to know, and we ourselves most satisfactorily act so as not to ignore those things by which faithful peoples are made. Besides, if we ought to exert ourselves in order to set forth the way to be relied upon by men in all human affairs and contrary to custom to curb with royal power the furor of insolents, if we ought to devote our might to the propagation of peace and tranquility, with even greater solicitude we ought to desire to know the divine things to be administered, to covet the sublime and to show to the people having been withdrawn from error the truth in a serene light. So thus is he, who entrusts himself to God to be remunerated in many ways for doing good; for thus God hears him who increases that which is committed to him while of him it is said: "Whatever you request from above, that when I return I shall render to you." Thus since your blessedness has reviewed fully the form of our faith and of our confession through which it has been made evident to your sanctity and likewise the faith of our high priests and nobles, hitherto this suppliant authority has decreed it indispensable to God to institute for the firmness of our catholic

¹⁵ Luke 10:35.

ut primum populi quid credulitate teneant fateantur et sic corda fide purificata ad Christi corpus et sanguinem percipiendum exhibeant. Dum enim constitutio haec fuerit perenniter conseruata in Dei ecclesia, et fidelium ex solido corroboratur credulitas et, perfidia infidelium confutata, ad id quod repetitum saepius recognoscit, facillime inclinatur nec se quisquam iam de ignorantia fidei excusabit a culpa quando uniuersorum ore cognoscit quid catholica teneat et credat ecclesia. Omnibus ergo capitulis qui adhuc per uestram sanctitatem regulis ecclesiasticis adiciendi sunt, hoc pro fidei sanctae reuerentia et firmitate praeponite quod de proferendo symbolo nostra Deo docente decreuit serenitas. De cetero autem pro inhibendis insolentium moribus, mea uobis consentiente clementia, sentiis terminate districtioribus; et firmiori disciplina, quae facienda non sunt, prohibite; et ea quae fieri debent, immobile constitutione firmate.

Incipiunt capitula qua in Dei nomine sancta synodus in Toletanam urbem constituit.

faith, so that in order to reinforce the new confession of our peoples, all the Spanish and Gallic churches be subject to this rule, so that in the time of the sacrifice before the communion of the body and blood of Christ joining the manner of the eastern fathers they recount the creed of the most sacred faith together as one in a clear voice, so that first they confess the belief that their people hold, and so that in receiving the body and blood of Christ they may demonstrate a heart purified by faith. For while this constitution shall have been preserved uninterrupted in the church of God, and unwavering belief of the faithful is strengthened and, the perfidy of unfaithfulness having been confuted, it is most easily inclined to that which it recollects is always repeated nor will anyone now absolve himself from sin through ignorance of the faith, when he knows from the mouth of the all peoples, what the catholic church holds and believes. Thus are all the articles to this point gathered in the rules of the church through your holiness, and on account of reverence for the holy faith our serenity has decreed that [you are to] teach that the foregoing creed is to be proffered to God. Moreover, as for the rest, for inhibiting the other customs of the insolent, unitedly asserting my clemency to you, [you are to] limit greater differences in beliefs; and discipline made more firm, those things which are not to be done, [you are to] prohibit; and those things which ought to be done, [you are to] reinforce by unchanged ordinance.

Here begin the chapters which the holy synod in the Toledan city constitutes in the name of God.

[Tituli in recensione Iuliana]¹⁶

[Canon titles in the Julian recension]

[Tituli in recensione Vulgata]

[Canon titles in the Vulgate recension]

I Vt conciliorum statuta et praesulum Romanorum decreta custodiantur.

I That the statutes of the councils and the decrees of the chief priest of the Romans are preserved.

I De obseruatione priorum canonum.

I Concerning the observation of the earlier canons.

II Vt in omnibus ecclesiis die Dominica symbolum recitetur.

II That the creed is recited in all the churches on Sunday.

II De symbolo proferendo a populis in ecclesia.

II Concerning the creed uttered by the people in the church.

III Vt ne quis extra necessitatem rem ecclesiae alienet.

III That no one should alienate the property of the church for another purpose.

III Vt episcopis non liceat rem alienare ecclesiae.

III That it is not permitted for bishops to alienate the property of the church.

III Vt liceat episcopo unam ex parrociis basilicam monasterium facere.

III That it should be permitted for the bishop to make one basilica from the parishes into a monastery.

III Vt episcopo liceat unam de parrocianis ecclesiis monasterium facere.

III That it should be permitted for the bishop to make one of the parochial churches into a monastery.

V Vt sacerdotes et Leuitae caste cum uxoribus suis uiuant.

V That the bishops and priests should live chastely with their wives.

V Vt episcopis, presbyteris et diaconibus ex haerese uenientibus iam non liceat misceri uxoribus uel quod ii qui semper catholici fuerunt, in cellulis suis cum mulieribus extraneis non morentur.

V That it should not now be licit for bishops, priests and deacons coming from heresy to be mixed with wives, since even those men who were always catholics are not attended in their quarters by women

¹⁶ The Julian and Vulgate recensions refer to earlier and later manuscript recensions of the *Collectio canonum Hispana*.

	not of their own family.
VI Vt seruus ecclesiae ab episcopo manumissis a patrocinio ecclesiae nunquam discedat, et ut liberti aliorum ab episcopo defendantur.	VI That the slave of the church freed by the bishop never departs from the patronage of the church, and that the freedmen of others should be defended by the bishop.
VI Quod liberti ab episcopis uel aliis facti et ecclesiis commendatii permanere debant liberi.	VI That freedmen made so by the bishops or by others and approved by the churches ought to remain free persons.
VII Vt ad mensam episcopi scripturae diuinae legantur.	VII That divine scriptures are read at the table of the bishop.
VII Quod lectio in omnibus sacerdotalibus mensis legi debeat.	VII That a reading ought to be read at all priestly tables.
VIII Vt clericus de familia fisci a principe non donetur.	VIII That a cleric should not be donated [to the church] by the prince from among the slaves of the royal fisc.
VIII Quod de clero ex familiis fisci nullus unquam a rege postulet, et qui acceperit, irrita talis donatio maneat.	VIII That no one should ever seek from the king a cleric from among the slaves of the fisc, and whoever shall have received such a gift, it shall remain invalid.
VIII Vt ecclesiae Arrianorum ad catholicum episcopum in cuius diocese sunt, pertineant.	VIII That the churches of the Arians should belong to the catholic bishop in whose diocese they are.
VIII De ecclesiis ab haeresi translatis, ut ad eos episcopos in quorum sunt parrociis, pertineant.	VIII Concerning the churches brought over from heresy, that they should belong to those bishops in whose parishes they are.
X Vt uiduis pro castitate uiolentiam nullus inferat, et ut mulier inuita uirum non ducat.	X That no one should inflict violence upon widows devoted to chastity, and that a reluctant woman should not marry a man.
X De uiduis, quod quae uoluerint, continentiam teneant, et quae nubere	X Concerning widows, who so wish, let them maintain continent, and those who

elegerint, quorum uoluerint, nubant; aeque et de uirginibus.	shall elect to marry, whomsoever they wish, let them wed; and equally concerning virgins.
XI Vt paenitens paenitentiam agat.	XI That the penitent should do penance.
XI Quod paenitentes secundum modum canonum antiquorum agere paenitentiam debeant.	XI That according to the manner of the ancient canons penitents ought to do penance.
XII De his qui paenitentiam poscunt: si uir, prius tondatur; si femina, prius habitum mutet.	XII Concerning those who demand penance: if a man, let him be tonsured beforehand; if a woman, let her change her appearance.
XII Quod qui uoluerint paenitentiam agere, prius tondant aut habitum mutent.	XII That whoever wishes to do penance, should first cut their hair or change their appearance.
XIII Vt clericii qui saeculares iudices appetunt excommunicentur.	XIII That clerics who appeal to secular judges should be excommunicated.
XIII Quod non liceat duos clericos in forum causare publicum.	XIII That it is not permitted for two clerics to bring an action in a civil court.
XIII De Iudaeis.	XIII Concerning Jews.
XIII Vt Iudaeis uxores uel concubinas Christianas habere siue comparare mancipia Christiana et iudaizare non liceat uel publica officia peragere.	XIII That it is not permitted for Jews to have Christian wives or concubines or to purchase a Christian slave and it is not permitted [for Jews] to judaize or to carry out a public duty.
XV Vt serui fisci qui ecclesias construunt, dotem faciant et a principe confirmetur.	XV That churches built by slaves of the fisc should constitute a dowry and be confirmed by the prince.
XV Quod manere debeat firmum si serui fisci ecclesias fecerint easque peculio suo ditauerint.	XV That it ought to remain valid if slaves of the fisc shall have built churches and the churches shall have been enriched with its [the fisc's] private property.
XVI Vt episcopi cum iudicibus idola	XVI That the bishops along with the

destruant, et ut domini idolatria seruis prohibeant.	judges should destroy idols, and that the masters of slaves should prohibit idolatry.
XVI Quod idolatriae cultura a sacerdotibus uel a iudicibus exquirenda sunt atque exterminanda.	XVI That the cults of idolatry are to be sought out and exterminated by the priests or by the judges.
XVII Vt episcopi cum iudicibus necatores filiorum acriori disciplina corripiant.	XVII That the bishops with the judges should chastise with the most bitter discipline those who murder their own children.
XVII Quod qui filios suos necauerint a sacerdotibus uel a iudicibus distringantur.	XVII That whoever has killed their children should be destrained by the priests or by the judges.
XVIII Vt semel in anno synodus fiat et iudices et actores fisci praesentes sint.	XVIII That a synod should be held once per year and the judges and agents of the fisc should be present.
XVIII Quod semel in anno ad concilium sacerdotes et iudices atque actores patrimonii fiscalis debeant conuenire.	XVIII That once per year the priests and judges and agents of the fiscal patrimony ought to come together at a council.
XVIII Vt ecclesia cum rebus eius ad episcopi ordinationem pertineant.	XVIII That the church with all its property should belong to the bishop at [his] consecration.
XVIII Quod ecclesiarum omnium dotes ad episcopi ordinationem debeant pertinere.	XVIII That the endowments of all the churches ought to belong to the bishop at [his] consecration.
XX Vt episcopus angarias uel indictiones in diocese non imponat.	XX That a bishop should not impose hardships or burdens on the diocese.
XX Quod sacerdotes moderanter agere debeant per parrocias.	XX That priests ought to act moderately through the parishes.
XXI Vt non liceat iudicibus clericos uel seruos ecclesiae in suis angariis occupare.	XXI That it is not permitted for the judges to seize clerics or slaves of the church in their demands.
XXI Vt serui ecclesiae siue clericorum	XXI That slaves of the church or of the

non debeant a iudicibus uel actoribus in aliqua angaria fatigari.

clerics ought not to be harassed by judges or those acting for them in any demand.

XXII Vt religiosorum corpora psallendo tantum deducantur.

XXII That the bodies of [deceased] religious are accompanied in procession with psalm-singing only.

XXII Quod religiosorum corpora cum psalmis et canticis tantum deferenda sint ad sepulcra.

XXII That the bodies of religious are to be brought down to the sepulcher with psalms and chants only.

XXIII Vt in sanctorum nataliciis ballematiae prohibeantur.

XXIII That dances on the birthdays of the saints are prohibited.

XXIII Vt ballematiae et turpes cantici prohibendi sint a sanctorum sollemnitatibus.

XXIII That dances and wicked songs are to be prohibited at commemorations of the saints.

I Post damnationem haeresis Arrianae et fidei sanctae catholicae expositionem hoc sanctum praecepit concilium ut, quia in nonnullis uel haeresis uel gentilitatis necessitate per Spaniarum ecclesias canonicus praetermissus est ordo dum et licentia abundaret transgrediendi et disciplinae optio negaretur dumque omnis excessus haeresis foueretur patrocínio et abundantia mali teperet districtio disciplinae, pace ecclesiae Christi misericordia reparata, omne quod priscorum canonum auctoritas prohibet sit resurgente disciplina inhibitum, et agatur omne quod praecipit fieri. Maneant in suo uigore conciliorum omnium constituta simul et synodicae sanctorum praesulum Romanorum epistolae. Nullus deinceps ad promerendos honores ecclesiasticos contra uetita canonum¹⁷ aspiret indignus. Nihil ex hoc fiat quod sancti Patres Spiritu Dei pleni sanxerunt debere non fieri; et

I After the damnation of the Arian heresies and the exposition of the holy catholic faith this holy council prescribes that, because of some whether in heresies or in relationship with the gentiles [Visigoths] by necessity throughout the churches of Spain canonical order was neglected and license abounded in transgressing and the choice of discipline was denied and while departure into every heresy was fostered in patronage and the abundance of evil was indifferent to the hindrance of discipline, the mercy of the church restored by the peace of Christ, from all that the authority of the ancient councils prohibits, with discipline increasing once again let it be restrained, and let what it prescribes to be done be done by all: in your power let the constitutions of all the councils as well as the synodal letters of the holy Roman pope remain. No one unworthy should

¹⁷ Council of Nicaea, canons 4, 9, 16, and 19; First Council of Toledo, canons 1, 2, 3, 8, and 10.

qui praesumpserint, seueritate priorum canonum distringantur.

aspire to deserve ecclesiastical honors against the prohibitions of the canons: from this let nothing be done that the Fathers full of the Spirit of God have decreed ought not to be done: and whoever shall so presume, let him be restrained with the severity of the earlier canons.

II Pro reuerentia sanctissimae fidei et propter corroborandas hominum inualidas mentes consultu piissimi et gloriosissimi domni Reccaredi regis sancta constituit synodus ut per omnes ecclesias Spaniae, Galliae uel Galliciae secundum formam Orientalium ecclesiarum concilii Constantinopolitani, hoc est centum quinquaginta episcoporum, symbolum fidei recitetur, ut priusquam Dominica dicatur oratio, uoce clara a populo praedicetur, quo et fides uera manifestum testimonium habeat et ad Christi corpus et sanguinem praelibandum pectora populorum fide purificata accedant.

II For the reverence of the most holy faith and on account of feeble intentions in the minds of men the most pious and glorious lord Reccared having been consulted this holy synod ordains that through all the churches of Spain, Gaul and Galicia according to the form of the Constantinopolitan council of the Eastern churches, that is one hundred fifty of the bishops, that before the lordly prayer is said, the creed of faith is recited earlier by the people with a clear voice; and that the true faith may have manifest testimony let them approach the offering of the body and blood of Christ with the breast of the people purified by faith.

III Haec sancta synodus nulli episcoporum licentiam tribuit res alienare ecclesiae quoniam et antiquioribus canonibus prohibentur. Si quid uero quod utilitatem non grauet ecclesiae, pro suffragio monachorum uel ecclesiis ad suam parrochiam pertinentium dederint, firmum maneat. Peregrinorum uero uel clericorum et egenorum necessitate saluo iure ecclesiae praestare permittuntur pro tempore quae potuerint.

III This holy council grants none of the bishops license to alienate the belongings of the church because they are prohibited by the ancient canons. If it so happens that such a practice does not burden the churches, for the suffrage of the monks or of the churches should they give the right to the parish, it shall remain established. Indeed for the healthful necessity of pilgrims or clerics or the needy the churches are permitted to furnish those things which they can by the law of the church for a time.

III Si episcopus unam de parrochianis ecclesiis suis monasterium dicare uoluerit ut in ea monachorum regulariter

III If the bishop wishes to endow one of the parishes of his churches as a monastery so that in it a congregation of

congregatio uiuat, hoc de consensu concilii sui habeat licentiam faciendi; qui etiam si de rebus ecclesiae pro eorum substantia aliquid quod detrimentum ecclesiae non exhibeat eidem loco donauerit, sit stabile. Rei enim bonae statuendae sanctum concilium dat assensum.

monks may live by a rule, let him have permission to do this with the consensus of his council; whoever moreover from among the belongings of the church for the maintenance of them [the monks] shall donate something that does not appear to be a detriment to the church for such a place, let it be lasting. For such good works to be established the holy council gives assent.

V Compertum est a sancto concilio episcopos, presbyteres et diacones uenientes ex haerese carnali adhuc desiderio uxoribus copulari. Ne ergo de cetero fiat, hoc praecipitur quod et prioribus canonibus terminatur,¹⁸ ut non liceat eis uiuere libidinosa societate sed manente inter eos fide coniugali communem utilitatem habeant et non sub uno conclauis maneant, uel certe si suffragat uirtus, in aliam domum suam uxorem faciat habitare ut castitas et apud Deum et apud homines habeat testimonium bonum. Si qui uero post hanc conuentionem obscene cum uxore elegerit uiuere, ut lector habeatur. Qui uero semper sub canone ecclesiastico iacuerunt, si contra ueterum imperata¹⁹ in suis cellulis mulierum quae infamem suspicionem possunt generare, consortium habuerint, illi canonice quidem distringantur, mulieres uero ipsae ab episcopis uenundatae, pretium ipsum pauperibus erogetur.

V It has been learned by this council, the bishops, priests, and deacons coming from heresy, carnally still desiring to be united with their wives, lest now in some other way it be done, since this ruin is suffered and by the prior canons is restricted, since it is not licit for them to live in libidinous association, but for maintaining conjugal faith between them, let them have a shared usefulness, and let them not stay beneath one roof: and surely if virtue recommends it, let his wife make do to dwell in another house; so that he may have chastity before God and a good witness before men. If anyone moreover after this compact obscenely shall elect to live with a wife, let him thus be held a reader. Whoever indeed has been subject to ecclesiastical canon, if against the commands of the ancients, he shall have had consort in his cells with women who are able to generate infamous suspicion, since these are restrained canonically, let the women themselves be put up for sale by the bishops, and the price of them distributed to the poor.

VI De libertis autem id Dei praecipunt sacerdotes, ut si qui ab episcopis facti sunt

VI Concerning freedmen moreover that the priests of God seize, inasmuch as

¹⁸ Council of Elvira, canon 33; First Council of Toledo, canon 1.

¹⁹ Council of Nicaea, canon 3; Council of Elvira, canon 27; Second Council of Toledo, canon 3.

secundum modum cui canones antiqui dant licentiam, sint liberi et tamen a patrocinio ecclesiae tam ipsi quam ab eis progeniti non recedant. Ab aliis quoque libertati traditi et ecclesiis commendati patrocinio episcopali regantur, et ne cuiquam donentur, a principe hoc episcopus postulet.

anyone made [free] by the bishops according to the manner in which the ancient canons grant freedom, let them be freed; nevertheless they may not depart from the patronage of the church any more than from their ancestry. Since others also have crossed over to the condition of freedmen and entrusted to the church they are ruled by the episcopal patronage, should anyone be released, let the bishop appeal this to the prince.

VII Pro reuerentia Dei sacerdotum id uniuersa sancta constituit synodus, ut quia solent crebro mentis otiosae fabulae interponi, in omni sacerdotali conuiuio lectio scripturarum diuinarum misceatur. Per hoc enim et animae aedificantur ad bonum et fabulae non necessariae prohibentur.

VII For the reverence of the priests of God the holy universal council orders it, that because they are accustomed to be interrupted by the useless dramas of the mind, into every sacerdotal gathering let the reading of the divine scriptures be mingled. And indeed through this souls are edified to the good and tales not necessary are prohibited.

VIII Iubente autem atque consentiente domno piissimo Reccaredo rege, id praecepit sacerdotale concilium, ut clericos ex familia fisci nullus audeat a principe donatos expetere, sed reddito capitis sui tributo, ecclesiae Dei cui sunt alligati usque dum uiuent regulariter administrent.

VIII Moreoever with the most pious lord king Reccared ordering and also consenting, the council sacerdotally orders it, that no one dare to seek clerics from slaves belonging to the fisc as donations from the prince, but returning his seizures in tribute, continuously while they live let them serve under the rule of the church of God to whom they are bound.

VIII Decreto huius concilii hoc statuitur, ut ecclesiae quae fuerunt in haeresi Arriana, nunc autem sunt catholicae, ad eos episcopos cum suis rebus pertineant ad quos parrociae ipsae in quibus ecclesiae ipsae fundatae sunt pertinere uidentur.

VIII By the decree of this council it is established, in that the churches which were in the Arian heresy, now moreover are catholic, they with their properties should belong to those bishops in those very parishes in which the same churches were founded [and] they appear to belong.

X Pro consultu castitatis (quod maxime hortamento concilii proficere debet),

X With regard to chastity (that with greater exhorting the council ought to

annuente gloriosissimo domno nostro Reccaredo rege hoc sanctum affirmat concilium, ut uiduae quarum placuerit tenere castitatem, nulla ui ad nuptias iterandas uenire cogantur; quod si priusquam profiteantur continentiam nubere elegerint, illis nubant quos propria uoluntate uoluerint habere maritos. Similis condicio et de uirginibus habeatur, nec citra uoluntatem parentum uel suam cogantur maritos accipere. Si quis uero propositum castitatis uiduae uel uirginis impedierit, a sancta communione et a liminibus ecclesiae habeatur extraneus.

advance), with our most glorious lord king Reccared proclaiming [it] publicly, this holy council affirms that widows whom it shall please to maintain chastity, should not be compelled by force to be brought a second time to marriage; although if they have professed continence before they have chosen to marry, let them wed those men whom they shall have wished by their own will to have as husbands. And let the stipulation be held likewise concerning virgins, lest they be compelled by the will of the parents on the other side or their own to receive husbands. If any indeed shall impede the chastity of widows or virgins, let him be held an outcast from holy communion and from the entrances of the church.

XI Quoniam comperimus per quasdam Spaniarum ecclesias non secundum canonem sed foedissime pro suis peccatis homines agere paenitentiam, ut quotiensque peccare libuerit totiens a presbytero se reconciliari expostulent, et ideo pro coercenda tam execrabili praesumptione id a sancto concilio iubetur, ut secundum formam canonum antiquorum²⁰ detur paenitentia, hoc est ut prius eum quem sui paenitet facti, a communione suspensum faciat inter reliquos paenitentes ad manus impositionem crebro recurrere, expleto autem satisfactionis tempore, sicuti sacerdotalis contemplatio probauerit, eum communioni restituat. Ii uero qui ad priora uitia uel infra paenitentiae tempus uel post reconciliationem relabuntur, secundum priorum canonum²¹ seueritate

XI Since we know for certain throughout practically all the Spanish churches not according to the canon but most foully for their sins men do penance so that as often as it shall have been pleasing to sin, thus often from the priest they demand to be reconciled; and for the reason that for the punishment of such accursed presumption, it is ordered by the holy council, that according to the form of the ancient canons penance may be given, that is as soon as he who has made himself a penitent, let him suspended from communion among the other penitents have frequent recourse to the imposition of hands, moreover within the full time of satisfaction, when sacerdotal contemplation has approved it, it may restore him to communion. Indeed those who slide back to their earlier crimes, or

²⁰ Council of Nicaea, canon 11.

²¹ Council of Elvira, canon 7.

damnentur.

[do so] under the time of penitence, or after reconciliation, according to the earlier canons let them be damned with severity.

XII Quicumque ab episcopo uel presbytero sanus uel infirmus paenitentiam postulat, id ante omnia episcopus obseruet et presbyter, ut si uir est, siue sanus siue infirmus, prius eum tondat et sic paenitentiam ei tradat. Si uero mulier fuerit, non accipiat paenitentiam nisi prius mutauerit habitum. Saepius enim laicis tribuendo desidiose paenitentiam ad lamentanda rursum facinora post acceptam paenitentiam relabuntur.

XII Whoever healthy or infirm demands penance from the bishop or the priest, let the bishop or priest present him before all, so that if it is a man, whether healthy or infirm, first let him cut his hair and thus he may deliver himself to penitence. If indeed it shall have been a woman, she may not receive penance unless first she shall have changed her manner of dress. For often laypersons having been assigned an easy penance slide back to their lamented crimes once again after their penitence [has been] accepted.

XIII Diuturna indisciplinatio et licentiae inolita praesumptio usque adeo illicitis ausibus aditum patefecit ut clerici conclericos suos relicto pontifice suo ad iudicia publica pertrahant. Proinde statuimus hoc de cetero non praesumi, sed si quis hoc praesumpserit facere, et causam perdat et a communione efficiatur extraneus.

XIII With long lasting indiscipline and licenses having grown from it into presumption until it has even manifested the opportunity for illicit audacities so that with disregard for their office clerics along with other clerics drag themselves before public judgment. Accordingly we decree this not to be presumed by the rest, but if anyone shall presume to do this, and should he lose the case, let him be made an outcast from communion.

XIII Suggestente concilio id gloriosissimus dominus noster canonibus inserendum praecepit, ut Iudaeis non liceat Christianas habere uxores uel concubinas, neque mancipium Christianum in usus proprios comparare. Sed et si qui filii ex tali coniugio nati sunt, assumendos esse ad baptismum. Nulla officia publica eos opus est agere per quae eis occasio tribuatur poenam Christianis inferre. Si qui uero Christiani ab eis iudaismo ritu sunt maculati, uel etiam

XIII With the council subjoining, our most glorious lord has ordered it to be inserted into the canons, so that it is not permitted for Jews to have Christian wives or concubines, neither to acquire a Christian slave for his own use. But if any children are born from such a marriage, they are to be received into baptism. It is necessary for them [Jews] to do no public duty through which an opportunity is granted to them to inflict a penalty upon Christians. If indeed any

circumcisi, non reddito pretio ad libertatem et religionem redeant Christianam.

Christians [slaves] are stained by those in the judaic rite, or moreover are even circumcised by them, without returning the price [to the owner] let them [the slaves] return to freedom and the Christian religion.

XV Si qui ex seruis fiscalibus fortasse ecclesias construxerint easque de sua paupertate ditauerint, hoc procuret episcopus prece sua auctoritate regia confirmari.

XV If anyone from among the slaves of the fisc shall have by chance built churches and they [the churches] have been enriched by their [the slaves'] poverty, let the bishop attend to this with his intercession to be ratified by royal authority.

XVI Quoniam paene per omnem Spaniam siue Galliam idolatriae sacrilegium inoleuit, hoc cum consensu gloriosissimi principis sancta synodus ordinavit, ut omnis sacerdos in loco suo una cum iudice territorii sacrilegium memoratum studiose perquirat et exterminari inuenta non differat. Homines uero qui ad talem errorem concurrunt, saluo discrimine animae, qua potuerint animaduersione coerceant. Quod si neglexerint, sciant se utrique excommunicationis periculum esse subituros. Si qui uero domini exstirpare hoc malum a possessione sua neglexerint uel familiae suae prohibere noluerint, ab episcopo et ipsi a communione pellantur.

XVI Since throughout almost all Spain and Gaul the sacrilege of idolatry has grown, with the consent of the most glorious prince the holy synod ordains this, that all priests in their own location together with the magistrate of the territory eagerly search out everywhere the renowned sacrilege, and [once] discovered let those not put off [the thing] to be exterminated. Indeed men who together rush toward such an error, with the health of souls at risk, should correct as they are able the destruction of souls. For if they [priests and judges] shall have neglected it, they should know themselves in any case to be placed under the danger of excommunication. If any lord indeed shall have neglected to extirpate this evil from his estate or shall not have wished to prohibit [it] to his slaves, let the same lord be driven from communion by the bishop.

XVII Dum multae querellae ad aures sancti concilii deferrentur, inter cetera tantae crudelitatis est opus nuntiatum quantum ferre consedentium aures sacerdotum non possent, ut in quasdam Spaniae partes filios suos parentes

XVII Whilst many complaints have been conveyed to the ears of the holy council, among others of such barbarity it is necessary to discuss a reported instance such as the ears of the priests assembled are not able to bear, that in certain parts of

interimant, fornicationi auidi, nescii pietatis. Quibus si taedium est filios numerosius agere, prius se ipsos debent castigare a fornicatione, nam dum causa propagandae prolis sortiantur coniugia, ii et parricidio et fornicatione tenentur obnoxii qui fetus necando proprios docent se non pro filiis sed pro libidine sociari. Proinde tantum nefas ad cognitionem gloriosissimi domni nostri Reccaredi regis perlatum est, cuius gloria dignata est iudicibus earundem partium imperare ut hoc horrendum facinus diligenter cum sacerdote perquirant et adhibita seueritate prohibeant. Ergo et sacerdotes locorum haec sancta synodus dolentius conuenit ut idem scelus cum iudice curiosius quaerant et sine capitali uindicta acriori disciplina prohibeant.

Spain parents murder their children, eager for fornication, ignorant of piety. Wherefore, since it is a tedium to make more numerous children, first they ought to chastise themselves for fornication, for while married persons should share the responsibility of propagating offspring, those persons are held guilty of parricide and fornication who by killing their own unborn child show themselves to be associated not for the sake of producing children but libidiously. Accordingly so great a crime against divine law has come to the attention of our most glorious king Reccared, whose glory has thought it worthy to command the magistrates of their own territories that they with a priest should search out diligently and restrain this horrible crime with applied severity. And thus this holy synod agrees that the local priests may seek out carefully the same most sorrowful crime with a judge and without capital punishment let them correct [it] with the sharpest discipline.

XVIII Praecipit haec sancta et ueneranda synodus ut stante priorum auctoritate canonum²² quae bis in anno praecepit congregari concilia, consulta itineris longitudine et paupertate ecclesiarum Spaniae, semel in anno in locum quem metropolitanus elegerit, episcopi congregentur. Iudices uero locorum uel actores fiscalium patrimoniorum ex decreto gloriosissimi domni nostri simul cum sacerdotali concilio autumnali tempore, die kalendarum nouembrium, in unum conueniant, ut discant quam pie et iuste cum populis agere debeant, ne in angariis aut in operationibus superfluis siue priuatum onerent siue fiscalem

XVIII This holy and venerated synod orders that standing on the authority of the earlier canons which ordered councils to be congregated twice per year, considering the length of the journeys and the poverty of the churches of Spain, once per year in a place which the metropolitan shall have chosen, let the bishops be congregated. Indeed let the judges and even the agents of the patrimonial fisc assemble in one place along with the priestly council by the decree of our most glorious lord in the autumnal time, on the day of the Kalends of November, so that they may discuss piously and justly what they ought to do with the people, lest they

²² Council of Nicaea, canon 5.

grauent. Sint etenim prospectatores episcopi secundum regiam admonitionem, qualiter iudices cum populis agant, ut aut ipsos praemonitos corrigant aut insolentias eorum auditibus principis innotescant. Quod si correptos emendare nequiverint, et ab ecclesia et a communione suspendant. A sacerdote uero et a senioribus deliberetur quid prouincia sine suo detrimento praestare debeat iudicium. Concilium autem non soluatur nisi locum prius elegerint quo succedenti tempore iterum ad concilium ueniatur, iam non necesse habeat metropolitanus episcopus pro congregando concilio litteras destinare si in priori concilio tempus omnibus denuntietur et locus.

oppress [them] either with harassments or excessive exactions or they burden [them] with fiscal or other privations. For the private or public fisc, let the bishops be overseers according to royal admonition as to how judges deal with the people, so that either they correct the things forewarned about or their insolences may become known to the ears of the prince. Since if they [the bishops] shall not desire to amend the corrupt, they should suspend them [the judges] from the church and from communion. Indeed, they [the bishops, without detriment to the priests and the military leaders, should to deliberate what the judge's province ought to be. Moreover the council may not be dissolved, unless first they shall choose at which time the succeeding council is to come, so that now there is no necessity [for] the metropolitan bishop [to] have to design letters for the purpose of congregating the council if the time and place are announced publicly to all in the earlier council.

XVIII Multi contra canonum constituta sic ecclesias quas aedificauerint postulant consecrari ut dotem quam eius ecclesiae contulerint, censeant ad episcopi ordinationem non pertinere. Quod factum et in praeteritum displicet et in futuro prohibetur, sed omnia secundum constitutionem antiquam ad episcopi ordinationem et potestatem pertinerant.

XVIII Many against the decisions of the canons have thus built churches which they demand to be consecrated so that their church's wealth, which they have brought together, they might count not to pertain to the bishop at his consecration. What was done in the past displeases and is prohibited in the future, so let all things according to the ancient constitution belong to the bishop at ordination and investiture.

XX Multorum querella hanc constitutionem exegit, quia cognouimus episcopos per parochias suas non sacerdotaliter sed creduliter desaeuire, et dum scriptum sit: «Forma estote gregi

XX The complaint of many this constitution examines, since we know bishops throughout their parishes to ravage not sacerdotally but barbarously, and while it is written: "Be an example to

neque dominantes in clero»,²³ exactiones diocesi suae uel damna infligunt. Ideoque excepto quod ueterum constitutiones a parrociis habere iubent episcopos, alia quae hucusque praesumpta sunt denegentur, hoc est neque in angariis presbyteres aut diacones neque in aliquibus fatigent indictionibus, ne uideamur in ecclesia Dei exactores potius quam Dei pontifices nominari. Ii uero clerici, tam locales quam diocesani, qui se ab episcopo grauari cognouerint, querellas suas ad metropolitanum deferre non differant; qui metropolitanus non moretur eiusmodi praesumptiones districte coercere.

XXI Quoniam cognouimus permultis ciuitatibus ecclesiarum seruos et episcoporum uel omnium clericorum a iudicibus uel actoribus publicis in diuersis angariis fatigari, omne concilium a pietate gloriosissimi domini nostri poposcit ut tales deinceps ausus inhibeat, sed serui suprascriptorum officiorum in eorum usibus uel ecclesiae elaborent. Si qui uero iudicum aut actorum clericum aut seruum clerici uel ecclesiae in publicis ac priuatis negotiis occupare uoluerit, a communione ecclesiastica, cui impedimentum facit, efficiatur extraneus.

XXII Religiosorum omnium corpora qui diuina uocatione ab hac uita recedunt, cum psalmis tantummodo et psallentium

the flock, and not despots in the clergy,” they impose hardships or burdens on their dioceses. And for that reason except what the old constitutions command the bishops to have from the parishes, let them be denied the other things which thus far they have presumed, that is let them weary the priests or deacons neither in harassments nor in any other impositions, lest we in the church of God be seen as tax collectors rather than spoken of as high priests of God. Indeed those clerics, the local ones as much as the diocesan ones, who know themselves to have been burdened by the bishop, let them not delay to present their complaints to the metropolitan; whereupon the metropolitan should not disregard presumptions of this kind with a hesitation to punish.

XXI Because we have learned slaves of the church and of the bishops or of all the clerics to be wearied by diverse vexations by the magistrates or public agents throughout many cities, the council with every piety requests of our most glorious lord that he prevent such daring henceforth, but let the slaves of them of the above-written offices labor in the employments of the church. If indeed any judge or agent shall wish to occupy either a cleric or a slave of a cleric or of the church in public or private affairs, from ecclesiastical communion let him, who creates the impediment, be made an outcast.

XXII The bodies of all religious who have departed from this life by the divine call, only with psalms and with voices singing

²³ I Peter 5:3.

uocibus debere ad sepulcra deferri. Nam funebre carmen quod uulgo defunctis cantare solet uel pectoribus se, proximos aut familias caedere, omnino prohibemus. Sufficiat autem quod in spe resurrectionis Christianorum corporibus famulatum diuinorum impenditur canticorum. Prohibet enim nos Apostolus nostros lugere defunctos dicens: «De dormientibus autem nolo uos contristari sicut et ceteri qui spem non habent».²⁴ Et dominus non fleuit Lazarum mortuum²⁵ sed ad huius uitae aerumnas plorauit resuscitandum. Si enim potest hoc episcopus omnium Christianorum prohibere, agere non moretur. Religiosis tamen omnino aliter fieri non debere censemus; sic enim Christianorum per omnem mundum humari oportet corpora defunctorum.

psalms ought to be conveyed to the tomb. Certainly at a funeral we prohibit absolutely the song which it is customary vulgarly to sing for the dead or the next of kin or slaves to beat upon their own breasts. Let it suffice moreover that the service of divine chants for the bodies of Christians be devoted in hope of the resurrection. For the Apostle prohibits us to mourn our dead saying: "Therefore I do not wish you to be saddened by sleep as others who do not have hope." And the Lord did not weep for the death of Lazarus but he wept for the toil of this life to be resuscitated. For if the bishop is able to prohibit this of all Christians, he should not delay to do so. Nevertheless we expressly insist that by religious it ought not be done otherwise; for thus it is proper for the bodies of dead Christians throughout the world to be buried.

XXIII Exterminanda omnino est irreligiosa consuetudo quam uulgo per sanctorum sollemnitates agere consuevit, ut populi qui debent officia diuina attendere, saltationibus et turpibus inuigilent canticis, non solum sibi nocentes sed et religiosorum officiis praestrepentes. Hoc etenim ut ab omni Spania depellatur, sacerdotum et iudicum a concilio sancto curae committitur.

XXIII The irreligious custom is utterly to be banished which the vulgar for the solemnities of the saints used to do, so that the people who ought to attend the divine office, hold vigils with dancing and wicked songs, injuring not only themselves but offending the religious offices. Thus so that it is banished from all Spain, this is committed by the holy council to the attention of the priest and the magistrate.

Incipit edictum regis in confirmatione concilii.

Here begins the edict of the king in confirmation of the council.

Gloriosissimus et piissimus domnus noster Reccaredus rex uniuersorum sub regni nostri potestate consistentium.

Our most glorious and pious lord Reccared ruler of everything existing under our ruling power.

²⁴ I Thessalonians 4:12.

²⁵ John 11:35.

Amatores nos suos diuina faciens ueritas nostris principaliter sensibus inspirauit ut causa instaurandae fidei ac disciplinae ecclesiasticae episcopos omnes Spaniae nostro praesentandos culmini iuberemus. Praecedenti autem diligenti et cauta deliberatione, siue quae ad fidem conueniunt seu quae ad morum correctionem respiciunt, cum omni sensus maturitate et intellengentiae grauitate constant esse digesta. Nostra proinde auctoritas id omnibus hominibus ad regnum nostrum pertinentibus iubet ut si qua definita sunt in hoc sancto concilio habito in urbem Toletanam anno regni nostri feliciter quarto, nulli contemnere liceat, nullus praeterire praesumat. Capitula enim quae sensibus nostris placita et disciplinae congrua a praesenti conscripta sunt synodo, in omni auctoritate siue clericorum siue laicorum siue quorumcumque hominum obseruentur et maneant, id est:

The divine truth in making us its beloveds has inspired [us] principally in our perceptions so that on account of the faith to be established and also of ecclesiastical discipline we have ordered all the bishops of Spain to be present at our point of culmination. Moreover proceeding diligently and with needful deliberation, which whether they [the bishops] come together to the faith or contemplate the correction of customs, with every maturity of sense and gravity of intelligence the canons remain to be put in digest form. Accordingly our authority commands all men belonging to our kingdom that what was defined in this holy council held in the Toledan city in the fourth year of our happy reign, it is permitted to no one to condemn it, so that none may presume to bypass it. For the canons, which please our senses and suit the disciplines all present are conscripted by the synod, in all authority whether of clerics or whether of laypersons or whether of any man whatsoever let them be observed and so preserve them, that is:

De obseruatione priorum canonum.

Concerning the observation of the earlier canons.

De symbolo proferendo a populis in ecclesia.

Concerning the creed to be proffered by the people in the church.

De episcopis, ut eis non liceat rem alienare ecclesiae.

Concerning bishops, that it is not permitted for them to alienate the property of the church.

Vt episcopo liceat unam de parroctianis ecclesiis monasterium facere.

That it should be permitted for the bishop to make one of the parochial churches a monastery.

Vt episcopis, presbyteris et diaconibus ex

That it is not now permitted for bishops,

haerese conuersis iam non liceat misceri uxoribus, uel quod ii qui semper catholici fuerunt, in cellulis suis cum mulieribus extraneis non morentur.

priests and deacons coming from heresy to be mixed with wives, since even those men who were always catholics are not attended in their quarters by women not of their family.

Quod liberti ab episcopis uel ab aliis facti et ecclesiis commendati permanere debeant liberi.

That freedmen made so by the bishops or by others and approved by the churches ought to remain free persons.

Quod lectio in omnibus sacerdotalibus mensis legi debeat.

That a reading ought to be read at all sacerdotal meals.

Quod clericos ex familias fisci nostri nullus unquam a rege postulet, et qui acceperit, irrita talis donatio maneat.

That no one should ever seek from the king a cleric from among the slaves belonging to the royal fisc, and to whomever shall have received such a gift, it remain invalid.

De ecclesiis ab haerese translatis, ut ad eos episcopos in quorum sunt parrociis pertineant.

Concerning the churches brought over from heresy, that they should belong to those bishops in whose parishes they are.

De uiduis, quod quae uolerint, continentiam teneant; et quae nubere elegerint, quorum voluerint nubant. Aeque et de uirginibus.

Concerning widows, who so wish, let them maintain continence; and those who shall elect to marry, whomsoever they wish let them wed. And equally concerning virgins.

Quod paenitentes secundum modum canonum antiquorum debeant agere paenitentiam.

What penance according to the manner of the ancient canons penitents ought to do.

Quod qui uolerint paenitentiam agere, prius tondant aut habitum mutant.

That whoever wishes to do penance, let them first cut their hair or change their appearance.

Quod non liceat duos clericos in forum causare publicum.

That it is not permitted for two clerics to bring an action in a civil court.

Quod Iudaeis uxores uel concubinas Christianas habere, siue comparare mancipia Christiana et iudaizare non

That it is not permitted to Jews to have Christian wives or concubines or to purchase a Christian slave and it is not

liceat, uel publica officia peragere.	permitted to judaize or to carry out a public duty.
Quod manere debeat firmum si serui fisci nostri ecclesias fecerint easque de peculio suo ditauerint.	That it ought to remain valid if slaves of our fisc shall have made the churches and that the churches shall be enriched with their own private property.
Quod idolatriae cultura a sacerdotibus uel a iudicibus exquirenda sunt atque exterminanda.	That the cults of idolatry are to be diligently uncovered by the priests or by the judges and also exterminated.
Quod qui filios suos necauerint, a sacerdotibus uel iudicibus distringantur.	That whoever shall have killed their children, let them be destrained by the priests or by the judges.
Quod semel in anno ad concilium sacerdotes et iudices atque actores patrimonii nostri debeant conuenire.	That once per year the priests and judges and agents of the fiscal patrimony ought to come together at a council.
Quod ecclesiarum omnium dos ad episcopi ordinationem debeat pertinere.	That the endowment of all the churches ought to belong to the bishop at [his] consecration.
Quod sacerdotes moderanter agere debeant per parrocias.	That priests ought to act moderately throughout the parishes.
Quod serui ecclesiae siue clericorum non debeant a iudicibus uel nostris actoribus in aliqua angaria fatigari.	That slaves of the church or of the clerics ought not be harassed by judges or agents in any demand.
Quod religiosorum corpora cum hymnis et canticis tantum deferenda sint ad sepulcra.	That the bodies of religious are to be brought down to the sepulcher with psalms and chants only.
Quod ballematiae et turpes cantici prohibendi sunt a sanctorum sollemnia.	That dances and wicked songs are to be prohibited at solemnities of the saints.
Has omnes constitutiones ecclesiasticas, quas summatim breuiterque praestrinximus, sicut plenius in canone continentur, manere perenni stabilitate sancimus. Si quis ergo clericus aut laicus	All these ecclesiastical constitutions, which summarily and briefly we have drawn together, as they are contained more fully in the canons, we confirm to preserve firmly always. Thus if any cleric

harum sanctionum oboediens esse noluerit, si episcopus, presbyter, diaconus aut clericus fuerit, ab omni concilio excommunicationi subiaceat; si uero laicus fuerit et honestioris loci persona est, medietatem facultatum suarum amittat, fisci uiribus profutura; si uero inferioris loci persona est, amissione rerum suarum multatus in exilio deputetur.

Flavius Reccaredus rex hanc deliberationem quam cum sancta definiuimus synodo, confirmans subscripsi.

Masona in Christi nomine ecclesiae catholicae Emeretensis metropolitanus episcopus prouinciae Lusitaniae his constitutionibus quibus in urbem Toletanam interfui, annuens subscripsi.

Eusimius in Christi nomine ecclesiae catholicae Toletanae metropolitanus episcopus prouinciae Carpetaniae his constitutionibus quibus in urbem Toletanam interfui, annuens subscripsi.

Leander in Christi nomine ecclesiae catholicae Spalensis metropolitanus episcopus prouinciae Beticae his constitutionibus quibus in urbem Toletanam interfui, annuens subscripsi.

Migetius in Christi nomine ecclesiae catholicae Narbonensis metropolitanus episcopus prouinciae Galliae his constitutionibus quibus in urbem Toletanam interfui, annuens subscripsi.

or layperson shall not wish to be obedient to this sanction, if he shall be a bishop, priest, deacon or cleric, let him be under excommunication by every council; if indeed he shall be a layperson or is a person of a higher rank, let him lose half of his riches, to be made useful by the men of the fisc; if indeed he is a person of a lower rank, fined with the loss of his belongings let him be sent into exile.

Flavius Reccaredus king this deliberation which with the holy synod we have defined, I confirming have subscribed.

Masona in the name of Christ metropolitan bishop of the catholic church of Merida of the province of Lusitania to these constitutions with which I assisted in the Toletan city, giving assent I have subscribed.

Eusimius in the name of Christ metropolitan bishop of the Toledan catholic church of the province of Carpetania to these constitutions with which I have assisted in the Toledan city, giving assent I have subscribed.

Leander in the name of Christ metropolitan bishop of the catholic church of Seville of the province of Baetica to these constitutions with which I have assisted, giving assent I have subscribed.

Migetius in the name of Christ metropolitan bishop of the catholic church of Narbonne of the province of Gaul to these constitutions with which I have assisted in the Toletan city, giving assent I have subscribed.

Pantardus in Christi nomine ecclesiae catholicae Bracarensis metropolitanus episcopus prouinciae Galleciae his constitutionibus quibus in urbem Toletanam interfui, annuens tam pro me quam pro fratre meo Nitigisio episcopo de ciuitate Luco subscripsi.

Pantardus in the name of Christ metropolitan bishop of the catholic church of Braga of the province of Gallicia to these constitutions with which I have assisted in the Toledan city, giving assent as much for myself as for my brother Nitigisius bishop of the city of Lugo I have subscribed.

Vgnas in Christi nomine Barcinonensis ecclesiae episcopus in his constitutionibus quibus interfui, annuens subscripsi.

Ugnas in the name of Christ bishop of the church of Barcelona in these constitutions with which I have assisted, giving assent I have subscribed.

Murila in Christi nomine Valentinae ecclesiae episcopus in his constitutionibus quibus interfui, annuens subscripsi.

Murila in the name of Christ bishop of the church of Valencia in these constitutions with which I have assisted, giving assent I have subscribed.

Andonius in Christi nomine ecclesiae Oretanae episcopus in his constitutionibus quibus interfui, annuens subscripsi.

I Andonius in the name of Christ bishop of the church of Oretania in these constitutions with which I have assisted, giving assent have subscribed.

Sedatus in Christi nomine Beterrensis ecclesiae episcopus subscripsi.

I Sedatus bishop in the name of Christ of the church of Baudureta have subscribed.

Palmatus in Christi nomine ecclesiae Pacensis episcopus subscripsi.

I Palmatus in the name of Christ bishop of the church of Plasencia have subscribed.

Iohannes Montesanae ecclesiae episcopus subscripsi.

I Iohannes bishop of the church of Villanueva de la Fuente have subscribed.

Mutto Setabetanae ecclesiae episcopus subscripsi.

I Mutto bishop of the church of Breda have subscribed.

Petrus Ossonobensis ecclesiae episcopus subscripsi.

I Petrus bishop of the church of Ossonoba have subscribed.

Stephanus Tirassonensis ecclesiae episcopus subscripsi.

I Stephanus bishop of the church of Tirassonensis have subscribed.

Gabinius Oscensis ecclesiae episcopus subscripsi.	I Gabinius bishop of the church of Huesca have subscribed.
Neufila Tudensis ecclesiae episcopus subscripsi.	I Neufila bishop of the church of Tuy have subscribed.
Paulus Olisiponensis ecclesiae episcopus subscripsi.	I Paulus bishiop of the church of Lisbon have subscribed.
Sofronius Egarensis ecclesiae episcopus subscripsi.	I Sofronius bishop of the church of Egarensis have subscribed.
Iohannes Egabrensis ecclesiae episcopus subscripsi.	I Iohannes bishop of the church of Egabrensis have subscribed.
Benenatus Elenensis ecclesiae episcopus subscripsi.	I Benenatus bishop of the church of Elenensis have subscribed.
Polibius Hilerdensis ecclesiae episcopus subscripsi.	I Polibius bishop of the church of Lerida have subscribed.
Iohannes Dumiensis monasterii episcopus subscripsi.	I Iohannes bishop of the monastery of Dumio have subscribed.
Proculus Segobriensis ecclesiae episcopus subscripsi.	I Proculus bishop of the church of Segovia have subscribed.
Ermarius Laniobrensis ecclesiae episcopus subscripsi.	I Ermarius bishop of the church of Langobriga have subscribed.
Simplicius Cesaragustanae ecclesiae episcopus subscripsi.	I Simplicius bishop of the church of Saragosa have subscribed.
Constantius Portucalensis ecclesiae episcopus subscripsi.	I Constantius bishop of the church of Oporto have subscribed.
Simplicius Vrgillitanae ecclesiae episcopus subscripsi.	I Simplicius bishop of the church of Urgel have subscribed.
Asterius Aucensis ecclesiae episcopus subscripsi.	I Asterius bishop of the church of Auci have subscribed.
Agapius Cordobensis ecclesiae episcopus	I Agapius bishop of the church of

subscripsi.			Cordoba have subscribed.
Stephanus episcopus subscripsi.	Eliberritanae ecclesiae		I Stephanus bishop of the church of Elvira have subscribed.
Petrus Arcauicensis episcopus subscripsi.	Celtiberiae ecclesiae		I Petrus bishop of the church of Celtiberian Arcobriga have subscribed.
Vuiligisclus episcopus subscripsi.		Valentinae ecclesiae	I Vuiligisclus bishop of the church of Valencia have subscribed.
Iohannes Belensis subscripsi.	Belensis ecclesiae	episcopus	I Iohannes bishop of the church of Belensis have subscribed.
Sunnila subscripsi.	Besensis ecclesiae	episcopus	I Sunnila bishop of the church of Bensensis have subscribed.
Philippus subscripsi.	Lamecensis ecclesiae	episcopus	I Philippus bishop of the church of Lamecensis have subscribed.
Aquilinus subscripsi.	Ausonensis ecclesiae	episcopus	I Aquilinus bishop of the church of Ausonensis have subscribed.
Dominicus subscripsi.	Hiriensis ecclesiae	episcopus	I Dominicus bishop of the church of Iria have subscribed.
Sergis subscripsi.	Carcassonensis ecclesiae	episcopus	I Sergis bishop of the church of Carcassonne have subscribed.
Basilus subscripsi.	Hiliplensis ecclesiae	episcopus	I Basilus bishop of the church of Niebla have subscribed.
Leuterius episcopus subscripsi.	Salamanticensis ecclesiae		I Leuterius bishop of the church of Salamanca have subscribed.
Eulalius subscripsi.	Italicensis ecclesiae	episcopus	I Eulalius bishop of the church of Italica have subscribed.
Iulianus subscripsi.	Dertosanae ecclesiae	episcopus	I Iulianus bishop of the church of Tortosa have subscribed.
Froisclus episcopus subscripsi.			I Froisclus bishop have subscribed.

Theodorus Vastitanae ecclesiae episcopus subscripsi.	I Theodorus bishop of the church of Baza have subscribed.
Petrus Iliberritanae ecclesiae episcopus subscripsi.	I Petrus bishop of the church of Elvira have subscribed.
Beccila Lucensis ecclesiae episcopus subscripsi.	I Beccila bishop of the church of Alicante have subscribed.
Petrus Segobiensis ecclesiae episcopus subscripsi.	I Petrus bishop of the church of Segovia have subscribed.
Gardingus Tudensis ecclesiae episcopus subscripsi.	I Gardingus bishop of the church of Tuy have subscribed.
Tigridius Agatensis ecclesiae episcopus subscripsi.	I Tigridius bishop of the church of Agatensis have subscribed.
Argiouittus Portucalensis ecclesiae episcopus subscripsi.	I Argiouittus bishop of the church of Oporto have subscribed.
Lilliolus Accitanae ecclesiae episcopus subscripsi.	I Lilliolus bishop of the church of Acci have subscribed.
Celsinus Valentinae ecclesiae episcopus subscripsi.	I Celsinus bishop of the church of Valencia have subscribed.
Theodorus Castolonensis ecclesiae episcopus subscripsi.	I Theodorus bishop of the church of Castulo have subscribed.
Valeatus Tuccitanae ecclesiae episcopus subscripsi.	I Valeatus bishop of the church of Tucci have subscribed.
Protopogenes ecclesiae Sagontinae episcopus subscripsi.	I Protopogenes bishop of the church of Sagunto have subscribed.
Mummius Calagorritanae ecclesiae episcopus subscripsi.	I Mummius bishop of the church of Calahorra have subscribed.
Alicius Gerundensis ecclesiae episcopus subscripsi.	I Alicius bishop of the church of Gerona have subscribed.
Possidonius Eminiensis ecclesiae	I Possidonius bishop of the church of

episcopus subscripsi.	Eminiensis have subscribed.
Talasius Astoricensis ecclesiae episcopus subscripsi.	I Talasius bishop of the church of Astorga have subscribed.
Agripinus ciuitatis Lutubensis prouinciae Gallie episcopus subscripsi.	I Agripinus bishop of the city of Lutubensis of the province of Gaul have subscribed.
Lilliolus Pampilonensis ecclesiae episcopus subscripsi.	I Lilliolus bishop of the church of Pamplona have subscribed.
Iaquintus Cauriensis ecclesiae episcopus subscripsi.	I Iaquintus bishop of the church of Carae have subscribed.
Gaianus archipresbyter Emporitaniae ecclesiae agens uicem domni mei Fructuosi episcopo subscripsi.	I Gaianus archpriest of the church of Emporion acting on behalf of my lord bishop Fructuosus have subscribed.
Seruandus diaconus ecclesiae Astigitanae agens uicem domni mei Pegasi episcopo subscripsi.	I Servandus deacon of the church of Astigi acting on behalf of my lord bishop Pegasus have subscribed.
Hildimirum archipresbyter Auriensis ecclesiae agens uicem domni mei Lopati episcopo subscripsi.	I Hildimirum archpriest of the church of Auriensis acting on behalf of my lord bishop Lopatus have subscribed.
Genesius in Christi nomine archidiaconus ecclesiae Magalonensis uicem agens domni mei Boeti episcopo subscripsi.	Genesius in the name of Christ archdeacon of the church of Malaga acting on behalf of my lord bishop Boetus have subscribed.
Valerianus archidiaconus ecclesiae Nemausensis agens uicem domni mei Paladi episcopo subscripsi.	I Valerianus archdeacon of the church of Nemaunsensis acting on behalf of my lord bishop Paladus have subscribed.

Homelia Sancti Leandri episcopi in laude ecclesiae ob conuersionem gentis post concilium et confirmationem canonum edita.

Festiuitatem hanc omnium esse sollemniorem festiuitatum nouitas ipsa significat, quoniam sicut noua est conuersio tantarum plebium causa, ita et nouiora sunt solito ecclesiae gaudia. Nam multas sollemnitates per anni decursum celebrat ecclesia, in quibus tamen, si habet gaudia consueta, noua uero sicut in hanc non habet. Aliter enim gaudet de rebus semper possessis, aliter de lucris magnis his nuper inuentis.

Pro qua re et nos ideo maioribus gaudiis eleuamur, quia repente nouos ecclesiam parturisse populos intuemur; et quorum asperitate quondam gemebamus, de eorum nunc gaudemus credulitate. Ergo materia gaudii nostri tribulationis praeteritae occasio fuit. Gemebamus dum grauaremur, dum exprobraremur; sed gemitus illi id egerunt, ut ii qui per infidelitatem nobis erant sarcina, fierent nostra per suam conuersionem corona. Hoc denique gratulatiue profert in psalmis ecclesia dicens: «In tribulatione dilatasti me».²⁶

Et Sarra, dum saepe a regibus concupiscitur, nec maculam pudicitiae sentit et Abraham causa pulchritudinis

Homily by the bishop Saint Leander in praise of the church on the conversion of the people after the council and the confirmation of the canons proclaimed.

The very novelty of this festivity signifies that it is the most solemn festivity of all, since just as the conversion of so many of the common people is a new occasion, so are they also the newest joy of the church [they have] joined. For the church celebrates many solemnities throughout the course of the year, in which at least, she has had the accustomed delight, although not a new solemnity such as this. For in one way she [the church] always rejoices concerning things possessed, in another way concerning these great riches recently discovered.

On account of which and for that reason we ourselves are raised up in the greatest delights, because the church is considered to have given birth to new peoples in repent; under their severity we have formerly groaned, but now with regard to their belief we rejoice. Thus the subject of our joy was the occasion of past tribulation. We have groaned while we were oppressed, while we were brought as a reproach; but our lamentations to them removed it, so that those who were a burden to us through their infidelity have become through their conversion our crown. And at last with rejoicing the church reveals this in the Psalms saying: “In tribulation thou hast enlarged me.”

And nor does Sarah, while often coveted by kings, experience any blemish upon her purity and because of her beauty she

²⁶ Psalms 4:2.

suae diuitem facit.²⁷ Ab ipsis enim regibus Abraham ditatur a quibus Sarra concupiscitur. Condigne ergo ecclesia catholica gentes quas simul senserit, fidei suae decore ad sui eas sponso, hoc est Christo, lucra transducit, et per ea regna suum uirum diuitem reddit per qua se inquietari persenserit. Sic enim, dum ex initio lacessitur uel inuidientium dentibus morditur, dum premitur eruditur, et dum insectatur dilatatur, quoniam patientia sua aemulatores suos aut superat aut lucrat.

makes Abraham rich. For Abraham was enriched by those same kings by whom Sarah was coveted. Worthily together the catholic church will thus perceive the peoples as, befitting of their faith to their husband, that is, to Christ, they go, so does she [the church] convey riches, and throughout her realms she returns riches to her spouse through the pretext that he felt himself offended. For although, from the beginning she was provoked or bitten by the teeth of spite, while she was preyed upon she was educated, and while hostilely pursued she was extended, since her patience has either overcome or won over her emulators.

Dicit enim ad eam diuinus sermo: «Multae filiae congregauerunt diuitias, tu autem supergressa es uniuersas».²⁸ Si non mirum quod haereses filiae dicuntur, sed attendendum quod loco spinarum ponantur: filiae sunt eo quod ex semine Christiano generentur, spinae sunt eo quod foris a Dei paradiso, hoc est extra catholicam ecclesiam, nutriantur. Et hoc non coniectura sensus nostri, sed scripturae diuinae auctoritate probatur, dicente Salomone: «Sicut lilium inter spinas, sic amica mea inter filias».²⁹ Ergo ne magnum uobis uideretur quod haereses dixerim filias, continuo eas nominat esse spinas: haereses, inquam, aut in aliquem angulum mundi aut in unam gentem inueniuntur uersari; ecclesia uero catholica, sicut per totum mundum tenditur, ita et omnium gentium societate constituitur. Recte ergo haereses in cauernis quibus latent, congregant ex

For foretold in verse he says to her: “Many daughters gather riches, but you have exceeded them all.” Inasmuch as it is no wonder that heresies are called daughters, but it is applied since they are deposited in place of the thorns: they are daughters to him because they were generated from Christian seed, they are thorns to him because at the entrance to the paradise of God, that is, outside the catholic church, they are brought up. And this is not a conjecture of our emotions, but is proven by the authority of divine scripture, with Solomon saying: “As a lily among the thorns, so is my beloved among daughters.” Thus lest it shall have seemed a great thing to you that I call the heresies daughters, forthwith he designates them to be thorns: heresies, I say, whether they are discovered to be twisted in some other corner of the world or in one nation; indeed the catholic

²⁷ See Genesis 12:10-20 and 20:11-18.

²⁸ Prov. 31:29.

²⁹ Cant. 2:2.

parte diuitias; ecclesia autem catholica in speculo totius mundi locata praetergreditur uniuersas.

church, as it is extended throughout the whole world, is thus determined by the association of all nations. Thus rightly heresies which lie hidden in caves, gather together riches on their own behalf; however, the catholic church given in marriage as a mirror of the whole world bypasses them all.

Exsulta ergo et laetare, ecclesia Dei; gaude et consurge, unum corpus Christi; induere fortitudine³⁰ et iubila exultatione, quoniam tui maerore in gaudio sunt mutati, et triste habitum in amictum laetitiae uersum est. Ecce repente oblita sterilitatis et paupertatis tuae uno partu populos innumeros genuisti Christo tuo, nam dispendiis tuis proficis, tuoque damno subcrescis. Tantus denique est sponsus tuus, cuius imperio regeris, ut dum te patiat depraedari ad modicum, rursum et praedam tuam ad te reducat et hostes tuos tibi conquirat. Sic autem agricola, sic piscator, dum lucra attendit futura, quae seminat et quae hamo incescit, non imputat damna. Tu proinde iam ne fleas, ne lugeas temporaliter quosdam recessisse a te, quos cernis cum magnis lucris redisse ad te.

Thus exult and be joyful, church of God; rejoice and arise together, one body of Christ, to array with fortitude and celebrate with exultation, because your griefs have changed into joy, and a sad dress has changed into a cloak of happiness. Behold with repent having obliterated your sterility and meagerness to your numberless people one offspring has been born in Christ, for you profess your losses, and you rise from beneath your condemnation. So great in fact is your spouse, by whose command you have ruled, that as long as he suffers you to be plundered to a moderate degree, again he leads you back to your prey and he hunts down your enemies for you. However, as the farmer, so the fisherman, while he awaits future profits, because he sows and because he shall thresh with a scythe, he does not reckon damages. You accordingly should not weep, lest you mourn for a time for what has been withdrawn from you, which you even now accept to have been restored to you with great gains.

Exsulta ergo fidei confidentia et tui capitis merito fide esto robusta, dum quae recolis olim repromissa, nunc cernis fuisse completa. Ait enim in euangelio ipsa ueritas: «Oportebat Christum mori pro

Exult thus the confidence of faith and deservedly you will be worthy of your head in the faith, which you recall as formerly promised, and now you accept to have been completed. For in the gospel it

³⁰ See Isaiah 52:1.

gente, et non tantum pro gente, sed ut filios Dei qui errant dispersi, congregaret in unum». ³¹ Tu profecto in psalmis proclamas odientibus pacem dicens: «Magnificate Dominum mecum et exaltemus nomen eius in unum». ³² Et rursum: «In conueniendo populos in unum et regna ut seruiant Domino». ³³ Quam dulcis sit caritas, quam delectabilis unitas non nesciens, per prophetica uaticinia, per euangelica oracula, per apostolica documenta non nisi conexionem gentium praedicat, nisi unitatem populorum suspirat, nisi pacis et caritatis bona disseminat.

says the same truth: "It is fitting for Christ to die for the nation, and not for that nation only, but so that the children of God who were scattered, he should gather together in one." You assuredly proclaim peace in the Psalms to those who are hating saying: "O magnify the Lord with me and let us exalt his name together." And again: "When the people are gathered together thus the kingdoms serve the Lord." How sweet is charity, how delectable unity far from not knowing, through prophetic predictions, through evangelical oracles, through apostolic examples you should preach only the joining of nations, you should sigh only for the unity of peoples, you should spread only the bounties of peace and charity.

Laetare ergo in Domino eo quod non sis fraudata desiderio tuo, nam quos tanto tempore gemitu teste et oratione continua concepisti, nunc post glacies hiemis, post duritiam frigoris, post austeritatem niuis, uelut iocunditatem agrorum frugem et laetos uerni flores uel arridentes uinearum stipitibus palmites, repente in gaudio peperisti.

Rejoice thus in the Lord because you were not cheated in your longing for him, since now after such a long time with groans and continuous prayer you have conceived, now after the ice of winter, after the harshness of the cold, after the severity of the snow, like the pleasant fruit of the fields and the joyful flowers of springtime or the pleasing branches from trunks of the vines, suddenly you have given birth in joy.

Ergo, fratres, tota hilaritate animi exsultemus in Domino et iubilemus Deo saluatori nostro. ³⁴ Haec de cetero per ea quae iam sublata sunt, ea quae adhuc exspectantur implenda, uera esse credamus. Quae enim praefata sunt,

Thus, brothers let us exult in the Lord with complete cheerfulness of soul and let us celebrate God our savior. Concerning these things which until now were endured for her, to be filled ere they were awaited, we should believe to be true. For

³¹ John 11:51-52; Caiaphas, the high priest, speaking.

³² Psalms 34:3.

³³ Psalms 102:22.

³⁴ See Psalms 94:1.

Domino dicente: «Alias oues habeo quae non sunt ex hoc ouili, et illas oportet ad me adduci, ut sit unus grex et unus pastor»,³⁵ ecce contuemur fuisse completa. Pro qua re non dubitemus totum mundum posse in Christo credere atque ad unam ecclesiam conuenire, quoniam rursum ipso testificante didicimus in euangelio: «Et praedicabitur, inquit, hoc euangelium regni in uniuerso orbe in testimonium omnibus gentibus, et tunc, inquit, ueniet consummatio».³⁶ Si ergo remansit pars aliqua mundi uel gens barbara quam fides non irradiauerit Christi, profecto credituram atque in unam ecclesiam esse uenturam nullo modo dubitemus, si ea quae Dominus dixit, uera esse putamus.

Ergo, fratres, reposita est loco malignitatis bonitas, et errori occurrit ueritas, ut, quia superbia linguarum diuersitate ab unione gentes separauerat, eas rursum gremio germanitatis colligeret caritas, et quemadmodum unus possessor est totius mundi Dominus, ita et possessionis eius esset unum cor et animus unus: «Pete a me, ait, et dabo tibi gentes hereditatem tuam et possessionem tuam terminos terrae».³⁷

Propterea et ex uno homine propagatum est omne hominum genus, ut qui ex illo uno procederent, unum saperent, unitatem

they were foretold, with the Lord saying: “And other sheep I have which are not of this fold, and they also I must bring unto me, and there shall be one fold and one shepherd,” behold we are regarded to have been made full. On account of which let us not doubt the whole world to be able to believe in Christ and also to come together in one church, seeing that we have learned from the same one witnessing in the gospel: “And this gospel, he says, of the kingdom shall be preached in all the world for a witness unto all nations, and then, he says, shall the end come.” Thus if there remained another part of the world or a barbarian nation which the faith of Christ shall not have illuminated, certainly we should in no way doubt it to be believed and also the coming into the one church, if she whom the Lord has called, we think to be true.

Thus, brothers, goodness has occupied the place of evil, and truth counters errors, so that, since in diversity the pride of tongues has separated the nations from union, charity collects them in the lap of affinity, and in the way that the Lord is the one owner of the whole world, thus may one heart and one soul be his possession: “Ask of me, he says, and I shall give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession.”

And therefore from one man all of mankind was enlarged, so that they who have gone forth from that one, they have

³⁵ John 10:16.

³⁶ Matthew 24:14.

³⁷ Psalms 2:8.

quaerent et diligenter.

tasted the one, they have sought and have desired unity.

Ordo ergo naturalis exposcit ut qui ex uno homine trahunt originem, mutuam teneant caritatem nec dissentiant a fidei ueritate qui non disiungitur naturali propagine. Haereses uero et diuisiones a fonte emanant uitiorum, unde quique ad unitatem uenit, ex uitio ad naturam redit, quia sicut naturae est fieri ex pluribus unitatem, sic est uitii fraternitatis declinare dulcedinem. Erigamur ergo tota mente in gaudio, ut, quia gentes studio decertandi perierant, sibimet in amicitiam Christus unam ecclesiam procuraret, in qua eas rursus reduceret concordia caritatis. De hac profecto ecclesia uaticinatur propheta dicens: «Domus mea domus orationis uocabitur omnibus gentibus».³⁸ Et iterum: «Erit, inquit, in nouissimis diebus praeparatus mons domus domini in uertice montium et eleuabitur super colles et fluent ad eum omnes gentes et ibunt populi multi et dicent: Venite, ascendamus ad montem Domini et ad domum Dei Iacob».³⁹

Thus the order of nature demands that those who draw their origin from one man, should hold mutual charity neither should they dissent from truth of the faith which is not separated from natural offspring. Indeed heresies and divisions spring from the fountain of errors, whence everything comes to unity, from error it returns to unity, because like the natures from many it is to be made one, thus it is the sweetness of fraternity to decline errors. Let us be raised up thus with one mind in joy, so that, because the nations in their zeal to go to war were lost, Christ himself has expiated by sacrifice one church in love, into which the concord of charity has led them back again. Concerning this church certainly the prophet has prophesied saying: “My house shall be called the house of prayer for all nations.” And once again: “It shall come to pass, he says, that the house of the Lord shall be established in the top of the mountains, and it shall be exalted above the hills; and people shall flow unto it and they shall say: Come, let us go up to the mountain of the Lord and to the house of the God of Jacob.”

Mons enim Christus est et domus Dei Iacobi una ecclesia est eius, ad quem et gentium concursus et populorum pronuntiat confluere conuentum. De qua rursum in alio loco dicit propheta: «Surge, illuminare, Hierusalem, quia uenit lumen tuum et Gloria Domini super te orta est; et ambulabunt, ait, gentes in

For Christ is the mountain and the house of the God of Jacob is his one church, into which both the crowd of nations and the assembly of peoples he proclaims to flow together. Concerning which the prophet says again in another place: “Arise, shine, Jerusalem, for thy light is come and the Glory of the Lord is risen upon thee; and

³⁸ Isaiah 56:7.

³⁹ Micah 4:1-2.

lumine tuo et reges in splendore ortus tui; leua in circuitu oculos tuos et uide: omnes isti congregati sunt et uenerunt tibi;⁴⁰ et aedificabunt, inquit, filii peregrinorum muros tuos et reges eorum ministrabunt tibi».⁴¹ Qui, ut notesceret quae uentura essent genti uel populo quae ab unius ecclesiae communione recidissent, secutus est: «Gens enim et regnum quod non seruierit tibi, peribit».⁴² Alio denique loco similiter ait: «Ecce gentem quam nesciebas, uocabis et gentes quae non cognouerunt te, ad te current».⁴³

they shall come, he says, the Gentiles to thy light and the kings to the brightness of thy rising; lift up thine eyes round about and see: they all gather themselves together and they come to thee; and the sons of strangers, he says, shall build thy walls and their kings shall minister unto thee.” Who, as he has made known since they will be coming from a nation or from a people because they have withdrawn from the communion of one church, is the following: “For the nation and kingdom that shall not serve thee, shall perish.” And in another place he says similarly: “Behold a nation that thou knowest not, thou shall call and the nations that knew not thee, shall run unto thee.”

Vnus enim est Christus Dominus, cuius est una per totum mundum ecclesia sancta possessio. Illi igitur caput et ista corpus, de quibus in principio Genesis dicitur: «Erunt duo in carne una»,⁴⁴ quod Apostolus in Christo intelligit et in ecclesia.⁴⁵ Dum ergo ex omnibus gentibus unam uult Christus habere ecclesiam, quicumque extraneus est ab ea, licet Christiano nomine nuncupetur, Christi tamen corporis compage non tenetur. Haereses enim quae respuit catholicae ecclesiae unitatem, eo quod adulterino amore diligit Christum, non uxoris, sed concubinae obtinet locum, quoniam re uera duos dicit scriptura esse in carne una, uidelicet Christum et ecclesiam, quo locum meretrix nullum inuenit tertia. «Una est enim, ait Christus,

For Christ the Lord is one, to whom one church is throughout the whole world a holy possession. This head therefore, and this body, concerning which in the beginning of Genesis it is said: “They shall be two in one flesh,” which the Apostle understands concerning Christ and the church. Thus while Christ wishes to have one church out of all nations, whoever is outside her, although he be called a Christian by name, nevertheless he is not held within the framework of the body of Christ. Heresy which the unity of the catholic church despises, because it loves Christ with an adulterine love holds the place, not of a wife, but of a concubine, about which in fact scripture says the two are to be one in the flesh, if you please Christ and the church, into

⁴⁰ Isaiah 60:1-4.

⁴¹ Isaiah 60:10.

⁴² Isaiah 60:12.

⁴³ Isaiah 55:5.

⁴⁴ Genesis 2:24.

⁴⁵ Ephesians 5:31.

amica mea, una est sponsa mea, una est genetricis suae filia». ⁴⁶ De quo item eadem ecclesia pronuntiat dicens: «Ego dilecto meo et dilectus meus mihi». ⁴⁷

which place no kept woman shall come as a third. “For my dove is one, says Christ, one is my beloved, she is the one daughter of her mother.” Likewise concerning which the same church proclaims saying: “I am my beloved’s and my beloved is mine.”

Quaerant nunc haereses a quo constuprentur uel cuius sint prostibulum factae, quoniam ab immaculato toro recesserunt Christi, a quo quanto pretiosam esse nouimus copulo caritatis, tanto Deum hac celebritate laudemus, qui gentes, pro quibus sanguis fusus est Vnigenitus sui, non passus est extra unum ouile diaboli dentibus deuorari. Lugeat igitur ueternosus praedo suam praedam amisisse, quia impletum uidemus quod propheta uaticinante audiuius: «Equidem, inquit, haec captiuitas a forte tollitur et quod ablatum fuerat a robusto saluatur». ⁴⁸ Parietem enim discordiae, ⁴⁹ quem fabricauerat diabolus, ⁵⁰ pax Christi destruxit, et domus quae diuisione in mutuam certabat caedem, uno iam Christo lapide angulari coniungitur. ⁵¹

Now let the heresies seek something to satiate their lust or provide a brothel, because they have withdrawn from the immaculate bed of Christ, in which the bond of charity we know to be so precious that we praise God all the more with this festal celebration, from which peoples for whom the Only-begotten shed his blood, he did not suffer one outside sheep to be devoured by the teeth of the devil. Therefore let the old robber mourn his plunder to have been lost, because we see fulfilled what we have heard the prophet prophesying: “Thus, sayeth the Lord, Even the captives of the mighty shall be taken away and the prey of the terrible shall be delivered.” For the wall of discord, which the devil has fabricated, the peace of Christ has destroyed, and the house which has contended with division in mutual slaughter, is now conjoined in Christ the cornerstone.

Dicamus ergo omnes: «Gloria in excelsis Deo et in terra pax hominibus bonae uoluntatis». ⁵² Nullum enim praemium caritati compensatur. Inde omni gaudio praeponitur, quia pax et caritas facta est,

Thus let us all say: “Glory in the highest to God and on earth peace to men of good will.” For no reward is equated with charity. Thence in joy it is placed before all, because it stands first of all the

⁴⁶ Cant. 6:8.

⁴⁷ Cant. 6:2.

⁴⁸ Isaiah 49:25.

⁴⁹ See Ephesians 2:14.

⁵⁰ See Mark 3:25.

⁵¹ See Ephesians 12:20.

⁵² Luke 2:14.

quae omnium uirtutum obtinet principatum.⁵³ Superest autem ut unanimiter unum omnes regnum effecti tam pro stabilitate regni terreni quam felicitate regni caelestis Deum precibus adeamus, ut regnum et gens, quae Christum glorificauit in terris, glorificetur ab illo non solum in terris, sed etiam in caelis. Amen.

virtues. Moreover it is above all so that unanimously all are made one kingdom both for the stability of the earthly reign, and for the happiness of the heavenly reign let us approach God with prayers, so that the kingdom and the people, which has glorified Christ on earth, may be glorified by him not only on earth but even in heaven. Amen.

⁵³ See I Corinthians 13:13.

APPENDIX B

THE FOURTH COUNCIL OF TOLEDO

Concilium Toletanum IIII	Fourth Council of Toledo
Tituli recensionis Julianae	Titles of the Julian Recension
Tituli recensionis Vulgatae	Titles of the Vulgate Recension
I Secundum diuinas enim scripturas et doctrinam quam a sanctis Patribus accepimus Patrem et Filium et Spiritum Sanctum.	I According to the divine scriptures and the doctrine which we received from the holy Fathers the Father and the Son and the Holy Spirit.
I De euidenti catholicae fidei ueritate.	I Concerning the evident truth of the catholic faith.
II De rectae fidei confessionem quae in sancta Dei ecclesia praedicatur.	II Concerning the confession of the correct faith which is preached in the holy church of God.
II De uno ordine in ministeriis uel officiis in cunctis ecclesiis celebrando.	II Concerning celebrating the one order [of worship] in the ministries or offices in each church.
III Nulla paene res disciplinae mores ab ecclesia Christi depulit.	III Almost no state of affairs has driven the customs of discipline from the church of Christ.
III De qualitate conciliorum, uel quare aut quando fiant.	III Concerning the types of councils, why or when they should occur.
IIII De formula secundum qua debeat sancta synodus in Dei nomine fieri.	IIII Concerning the formula according to which the holy synod ought to be carried out in the name of God.

III Formula qualiter concilium fiat.	III The sort of formula that makes the council.
V De sollemnitate paschali solet in Spaniis uarietas exsistere praedicationis.	V Concerning the paschal solemnity and the variety of preaching it in the Spains.
V De annuntiatione paschae ante epiphaniam inter episcopos exquirenda.	V Concerning the announcement of the Pasch to be determined among the bishops before Epiphany.
VI De baptismi sacramento.	VI Concerning the sacrament of baptism.
VI De trina et simpla in baptismo mersione.	VI Concerning the threefold and the single immersion in baptism.
VII Comperimus quod per nonnullas ecclesias in die sexta feria passionis Domini clausis basilicarum foribus nec celebretur officium.	VII We have discovered that throughout some churches on the sixth day of the Passion of the Lord [Good Friday] the doors of the basilicas are closed nor is the office celebrated.
VII De celebrando officio in sexta feria paschae.	VII Concerning celebrating the office on the sixth day of the Pasch [Good Friday].
VIII Quidam in die eiusdem Dominicae passionis ab hora nona ieiunium soluunt.	VIII Some on the same day of the Lord's Passion cease fasting from the ninth hour.
VIII De non soluendo ieiunio in sexta feria paschae, exceptis languidis et paruulis.	VIII Concerning fasting not being kept on the sixth day of Easter, except for the sick and the very young.
VIII Lucerna et cereus in peruigiliis apud quasdam ecclesias non benedicuntur et cur a nobis benedicantur inquirunt.	VIII The sanctuary oil lamp and the paschal candle are not blessed in some churches during the [Easter] vigil and they inquire why they are blessed by us.
VIII De benedicendo cereo et lucerna in praeuigiliis paschae	VIII Concerning the sanctuary oil lamp and the candle being blessed during the Vigil of Easter.
X Nonnulli sacerdotum per Spanias reperiuntur qui Dominicam orationem, quam Saluator noster docuit et praecepit,	X There are some priests throughout the Spains who say the Lord's Prayer, which our Savior taught and preached, not daily

non cotidie sed tantum die Dominica dicunt.	but only on Sunday.
X De Dominica oratione cotidie patenter pronuntianda.	X Concerning the Lord's Prayer to be prayed out loud daily.
XI Quod sacerdotes Spaniae in diebus quadragesimiae «Alleluia» decantent.	XI That the priests of Spain in the forty days of Lent chant the "Alleluia."
XI De non decantandum in quadragesima «Alleluia».	XI The "Alleluia" is not to be chanted in Lent.
XII Quod in quibusdam Spaniarum ecclesiis laudes post apostolum decantantur.	XII That in some churches of the Spains Lauds are chanted after the Epistle [of the mass].
XII Quod laudes non mox post apostolum, sed post euangelium sint dicendae.	XII That the Lauds are not to be said after the Epistle [of the mass], but after the Gospel.
XIII De hymnis etiam canendis.	XIII Concerning chanting the hymns also.
XIII De non renuendum pronuntiare hymnos.	XIII Concerning saying the hymns silently.
XIII De hymnum quoque trium puerorum in quo uniuersa caeli terraeque creatura Deum collaudant.	XIII Concerning the Hymn of the Three Boys in which the creatures of heaven and earth together praise God.
XIII De hymno trium puerorum in cunctis missarum sollemnitatibus decantando.	XIII Concerning the chanting of the Hymn of the Three Boys in every solemn mass.
XV Quod in finem psalmorum non sicut a quibusdam «Gloria Patri ...», sed «Gloria et honor Patri ...» dicatur.	XV That at the end of the psalms not as by some "Glory to the Father ...", but "Glory and honor to the Father ..." is said.
XV Quod in fine psalmorum «Gloria et honor Deo» sit dicendum.	XV That at the end of the psalms "Glory and honor to God" is to be said.
XVI Sunt quidam quod in fine responsorium gloriam non dicant.	XVI There are some that at the end of the Responsories do not say the Gloria.

XVI De discretione gloriae in fine responsoriorum.	XVI Concerning the saying/not saying of the Gloria at the end of the Responsories.
XVII De Apocalipsin librum.	XVII Concerning the Book of Apocalypse [Revelation].
XVII De Apocalipsin libro in omnibus recipiendo.	XVII Concerning the reception of the Book of Apocalypse [Revelation] in all [churches].
XVIII Quod sacerdotes post dictam orationem Dominicam statim communicant et postea benedictionem in populo dant.	XVIII That the priests should communicate immediately after the Lord's prayer [is] said and then give the benediction to the people.
XVIII Quod post benedictionem populo datam sic communicare debeant sacerdotes.	XVIII That after the benediction given to the people, the priests ought to communicate.
XVIII Quod pernicioza consuetudo nequaquam est reticenda.	XVIII That a pernicious custom is never to be retained.
XVIII De ordinatione episcoporum.	XVIII Concerning the consecration of bishops.
XX Quod in ueteri lege ab anno uigesimo quinto Leuitae ordinare mandantur.	XX That in the ancient law from the twenty-fifth year of age Levites are commanded to be ordained.
XX De numero annorum quo sacerdotes et Leuitae ordinantur.	XX Concerning the age at which priests and Levites are to be ordained.
XXI Quod sacerdotes Dei irreprehensibiles esse debent.	XXI That the priests of God ought to be irreprehensible.
XXI De castitate sacerdotum.	XXI Concerning the chastity of priests.
XXII Vt apud Deum conscientiam puram nos habere oportet.	XXII That it is fitting for us to have a pure conscience before God.
XXII Vt episcopus in conclaui suo idoneum testimonium habeat.	XXII That the bishop should have a suitable witness in his own conclave.

XXIII Vt quemadmodum antistites ita presbyteres atque Leuitas sicut nomine ita et meritis teneant.	XXIII As far as they can, bishops should hold priests and also Levites in name as in merit.
XXIII Vt presbyter uel diaconus similiter uitae suae habeant testes.	XXIII That the presbyter or the deacon similarly should have witnesses of their lives.
XXIII Quod prona sit omnis aetas ab adulescentia in malum.	XXIII That every age from adolescence is prone to evil.
XXIII De conuersione clericorum, ut in uno conclauis sint.	XXIII Concerning the daily life of clerics, so that they are in one conclave.
XXV Quod maxime in sacerdotibus Dei uitanda est errorum ignorantia.	XXV That especially in the priests of God ignorance of errors is to be avoided.
XXV Vt sacerdotes scripturarum sanctarum et canonum cognitionem habeant.	XXV That priests should have an understanding of the holy scriptures and the canons.
XXVI De presbyteres parocitanis dum ordinantur libellum officiale a sacerdote suo accipere debeant.	XXVI Concerning parish priests as they are ordained they should receive a book of rituals from their bishop.
XXVI Quod parocitanis presbyteris, cum ordinantur, officiale libellum debeat dari et idem presbyteres in letaniis sint de officio quaesituri.	XXVI That parish priests, when they are ordained, ought to be given a book of rites and the same priests are to be examined on the litanies.
XXVII Quando presbyteres aut diacones per parrochias constituuntur, oporteat eos professionem episcopo suo facere.	XXVII When priests or deacons are assigned to parishes, they should make an oath to their bishop.
XXVII De professione presbyterorum uel diaconorum episcopo facienda cum in parrochiis ordinantur.	XXVII Concerning the oath of priests or deacons to be made to the bishop when they are ordained in the parishes.
XXVIII Si episcopus presbyter diaconus subdiaconus a gradibus suis deieci fuerint et in secundo synodo innocentes inueniantur.	XXVIII If a bishop, priest, deacon, or subdeacon has been demoted from their ranks [of office] and in a second synod are discovered to be innocent.

XXVIII De ordine quo depositi iterum ordinantur.	XXVIII Concerning the order in which those deposed are again ordained.
XXVIII Si episcopus aut presbyter seu diaconus uel ex ordine clericorum magos, haruspices, hariolos, augures uel sortilegos consulere fuerint deprehensi.	XXVIII If a bishop or priest or deacon or [any] from the order of clerics has consulted sorcerers, soothsayers, oracles, forecasters or readers of signs, they are removed.
XXVIII De sacerdotibus, Leuitis uel clericis magos aut haruspices consulentibus.	XXVIII Concerning priests, Levites or clerics consulting sorcerers or soothsayers.
XXX Confinitiimi hostium sacerdotes praeter eos qui a regia potestate licentiam acceperunt.	XXX Priests on the boundaries of the enemy besides those who have received permission by the royal authority.
XXX De sacerdotibus ad gentem extraneam nuntios mittentibus.	XXX Concerning priests sending messagers to a foreign people.
XXXI Quod saepe principes contra quoslibet maiestatis obnoxios sacerdotibus negotia sua committunt.	XXXI That often princes entrust their business against certain persons disagreeable to their majesty to priests.
XXXI De discretione causarum in quibus sacerdotes iudices fieri possunt.	XXXI Concerning the types of causes in which it is possible for priests to be made judges.
XXXII Vt episcopi in protegendis populis ac defendendis impositam a Deo sibi curam non ambigant.	XXXII That the bishops should not deviate in protecting and also defending the people from the care imposed upon them by God.
XXXII De cura populorum et pauperum quam episcopi sibi impositam nouerint.	XXXII Concerning the care of the people and of the poor, whom the bishops know to be imposed upon themselves.
XXXIII Vt auaritia, radix cunctorum malorum, ab aliquibus sacerdotum mentes obtineat.	XXXIII That avarice, the root of every evil, distracts the minds of priests from some [duties].
XXXIII Ne ex facultatibus ecclesiarum	XXXIII Lest the bishop should take away

diocesis, excepto tertiam oblationum, tributorum ac frugum, episcopus aliquid auferat.

anything from the resources of the churches of the diocese, except the third part of the offerings, of the tithes and also of the crops.

XXXIII Quicumque episcopus alterius episcopi diocesem per XXX annos sine aliqua interpellatione possiderit.

XXXIII Any bishop who possesses the diocese of another bishop for thirty years without appeal.

XXXIII De tricennii tempore et propter prouincias causarum discretione.

XXXIII Concerning thirty years' time which causes the division of the provinces.

XXXV Vt sicut diocesem alienam tricennalis possessio tollit, ita territorii conuentum non adimit.

XXXV That the possession of a diocese for thirty years does not take away the meeting place of the territory.

XXXV De conuentu territorii et basilicis nouiter constructis, ad quem episcopum pertineant.

XXXV Concerning the newly constructed meeting places and basilicas of the territories, which should belong to the bishop.

XXXVI Vt episcopum per cuncta dioceses parrociasque suas per singulos annos ire oporteat.

XXXVI That it is necessary for the bishop to go through all his dioceses and parishes each year.

XXXVI De requisitione episcoporum per singular annos in parrociis peragenda.

XXXVI Concerning the obligation of the bishops make visitation every year through the parishes.

XXXVII Quicumque episcopi suffragio cuiuslibet aliquid de ecclesiasticae utilitatis prouiderint.

XXXVII Whoever has provisioned something from the use of the church by allowance of the bishop.

XXXVII De promisso pro suffragio praestiti ex rebus ecclesiae persolueno.

XXXVII Concerning a promise of support to be paid for from the belongings of the church.

XXXVIII Praebendum est a sacerdotibus uitae solacium indigentibus et maxime his quibus restituenda uicissitudo est.

XXXVIII Priests must offer the solace of life to the indigent and especially to those to whom there is vicissitude.

XXXVIII De suffragio fundatoribus

XXXVIII Concerning the support to be

ecclesiarum uel filiis eorum ex rebus ab ipsis collatis impertiendo.	shared with the founders of the church or their children from their own donations.
XXXVIII Nonnulli diacones in tantam erumpunt superbia.	XXXVIII Certain deacons sally forth in such pride.
XXXVIII De discretione presbyterorum uel diaconorum, ut in utroque choro consistent	XXXVIII Concerning the division of priests or deacons, so that they stand together in both choirs.
XL Vt non licere episcopo nec presbytero oraria duo uti; quanto magis diacono qui minister eorum est.	XL That it is not permitted for two stoles to be used by either the bishop or the presbyter; so much more [then] for the deacon who is the servant of them.
XL De uno orario diaconibus utendo, nec ornato, sed puro.	XL Concerning one stole to be used by the deacons, not ornate, but simple.
XLI Vt omnes clerici uel lectores sicut Leuitae et sacerdotes detonso superius toto capite inferius solam circuli coronam relinquant.	XLI That all clerics, whether lectors or Levites or priests, tonsured on the entire head above should leave only a circular crown [of hair] below.
XLI De qualitate tonsurate a cunctis clericis uel lectoribus communiter habenda.	XLI Concerning the type of tonsure to be had by every cleric or lector commonly.
XLII Vt extraneae feminae cum clericis nullatenus habitent.	XLII That women from the outside should in no way live with clerics.
XLII De remotione mulierum a consortio clericorum.	XLII Concerning the removal of women from the consort of clerics.
XLIII De clericis non habentes legitimum coniugium extranearum mulierum uel ancillarum suarum interdicta sibi consortia appetunt.	XLIII Concerning clerics who, not having a legitimate marriage, seek the forbidden consort of external women or slave women.
XLIII De uenditione mulierum quae clericis coniunctae noscuntur.	XLIII Concerning the sale of women who are known to be conjoined with clerics.
XLIII De clericos qui sine consultu episcopi sui uxorem duxerint.	XLIII Concerning clerics who without consulting their bishop marry a wife.

XLIII De personis mulierum quas non conuenit clericis copulari, et si nesciente episcopo clericus ducat uxorem.	XLIII Concerning the persons of women whom a cleric should not join with, and the bishop not knowing, a cleric takes a wife.
XLV De clericis qui in quacumque seditione arma uolentes sumpserint.	XLV Concerning clerics who in any sedition whatsoever have willingly taken up arms.
XLV De clericis qui arma sumpserunt uel sumpserint.	XLV Concerning clerics who have taken up or shall take up arms.
XLVI Si quis clericus in demoliendis sepulcris fuerit prehensus.	XLVI If any cleric shall have been taken in demolishing sepulchers.
XLVI De clericis sepulcra demolientibus.	XLVI Concerning clerics demolishing sepulchers.
XLVII De praecepto domni nostri Sisenandi regis.	XLVII Concerning the precept of our lord king Sisenand.
XLVII De absolutione a laboribus uel indictionibus clericorum ingenuorum.	XLVII Concerning the absolution from labors or indictions of freeborn clerics.
XLVIII De eligendos oeconomos.	XLVIII Concerning electing bursars.
XLVIII De institutione oeconomorum, id est qui res ecclesiasticas tractant.	XLVIII Concerning the institution of bursars, and who treats what ecclesiastical business.
XLVIII De professione monachi, quicquid fuerit alligatum tenebit.	XLVIII Concerning the profession of a monk, what shall hold him bound.
XLVIII De professione monachorum et deuotione parentum eorum.	XLVIII Concerning the profession of monks and the devotion of their parents.
L De clericis qui monachorum propositum appetunt.	L Concerning clerics who seek the vow of the monks.
L De clericis qui monachorum propositum appetunt, ut licitum habeant.	L Concerning clerics who seek the vow of monks, that they should have permission.

LI Monachi egredientes a monasterio non solum ad saeculum reuertuntur, sed etiam uxores accipiunt.	LI Monks leaving the monastery are not only returned to the world, but also take wives.
LI De discretione potestatis episcoporum quam in monasteriis habere possunt.	LI Concerning the discretion of the power of the bishops which they are able to have in the monasteries.
LII [Not included in R. Juliana]	
LII De monachis uagis et a monasterio egressis	LII Concerning wandering monks and [those] leaving the monastery.
LIII De religiosis propriae regionis qui nec inter clericos nec inter monachos habentur.	LIII Concerning religious who are considered neither clerics nor monks in their own region.
LIII De religiosis uagis qui nec inter clericos nec inter monachos habentur.	LIII Concerning wandering religious who are considered neither clerics nor monks.
LIIII De eos qui in discrimine constituti paenitentiam accipiunt.	LIIII Concerning those who constituted in a crime receive penance.
LIIII De discretione paenitentium: qui possint ad honores ecclesiasticos prouehi uel qui non possint.	LIIII Concerning the treatment of penitents: who can be promoted to ecclesiastical honors or who cannot.
LV De saecularibus accipientes paenitentiam tototundunt et rursus praeuaricantes laici effecti sunt.	LV Concerning secular persons receiving penance [who] have been tonsured and prevaricating are again made laypersons.
LV De paenitentibus uiris ac uiduis siue uirginibus qui diuertentes laici fiunt aut uestem mutant uel coniugiis copulantur.	LV Concerning penitent men and also widows or virgins who, changing [their way of life], become laypersons or change their dress or are united together in marriages.
LVI Quod duae sint genera uiduarum, saeculares et sanctimoniales.	LVI That there are two kinds of widows, secular and religious.
LVI De discretione saecularium et sanctimonialium uiduarum.	LVI Concerning the distinction between secular and religious widows.

LVII De Iudaeis.

LVII Concerning the Jews.

LVII De discretione Iudaeorum: qui non uel qui credere uim cogantur.

LVII Concerning the treatment of the Jews: who are not and who are compelled to believe by force.

LVIII De cupiditate episcopi presbyteri diaconi siue clerici contra fidem Christianam Iudaeis suffragium praestiterint.

LVIII Concerning the cupidity of the bishop, presbyter, deacon or cleric [who] against the Christian faith grant support to the Jews.

LVIII De his qui contra fidem Christi Iudaeis munus uel fauorem praestant.

LVIII Concerning these who against the faith of Christ grant money or favor to Jews.

LVIII Qui ex Iudaeis dudum ad Christianam fidem promoti sunt.

LVIII Those who formerly were promoted from among the Jews to the Christian faith.

LVIII De Iudaeis dudum Christianis et postea in priori ritu diuersis, ac seruis uel filiis eorum circumcisis.

LVIII Concerning Jews formerly Christians and afterward reverting to the prior rite, and the circumcised slaves and children of them.

LX De Iudaeorum filiis uel filias ne parentum ultra inuoluantur erroribus.

LX Concerning the sons or daughters of Jews lest they be involved further in the errors of the parents.

LX De filiis Iudaeorum, ut a parentibus separati Christianis debeant deputari.

LX Concerning the children of Jews that, separated from [their] parents, should be sent away to Christians.

LXI De Iudaeis baptizatis si postea praeuaricauerint in Christum.

LXI Concerning baptized Jews if afterward they shall have prevaricated in Christ.

LXI De filiis fidelibus Iudaeorum, ne praeuaricatis parentibus et damnatis a rebus parentum exsules fiant.

LXI Concerning the faithful children of Jews, lest prevaricating with their parents and damned, they become barred from their parents' affairs.

LXII De malorum consortia etiam bonos

LXII Concerning the fellowship of evil

corrumpunt.

men and also the good men they corrupt.

LXII De Iudaeis baptizatis qui se sociant infidelibus Iudaeis, ut Christianis illi donentur et isti caedibus deputentur.

LXII Concerning baptized Jews who associate themselves with unfaithful Jews, so that they are given to Christians and these same ones handed over to punishments.

LXIII De Iudaeos qui Christianas mulieres in coniugio habent.

LXIII Concerning Jews who hold Christian women in marriage.

LXIII De Christianorum Iudaeorumque coniugiis communibus et filiis eorum.

LXIII Concerning the common marriages of Christians and Jews and the children of them.

LXIII Non potest erga homines esse fidelis qui Deo exstiterit infidus.

LXIII It not possible for men to be faithful who shall have been unfaithful to God.

LXIII De Iudaeis conuersis et post praeuaricantibus, ut ad testimonium non admittantur.

LXIII Concerning Jews converted and afterward prevaricating, that they should not be admitted to give testimony.

LXV Praecipiente domno atque excellentissimo Sisenando rege, ut Iudaei aut qui ex Iudaeis sunt officia publica nullatenus appetant.

LXV With the lord and also most excellent king Sisenand having ordered, that Jews or whoever are of the Jews should never seek public office.

LXV Ne Iudaei uel si qui ex Iudaeis sunt, officia publica agant.

LXV Lest Jews or any who are of the Jews perform public duties.

LXVI Vt Iudaeis non liceat Christianos seruos habere.

LXVI That it should not be permitted for Jews to have Christian slaves.

LXVI Ne Iudaeus quodcumque mancipium Christianum quocumque titulo habeat.

LXVI Lest any Jew whatsoever hold any Christian slave in any title whatsoever.

LXVII De eos qui de rebus suis pauperibus Christi nulla distribuunt.

LXVII Concerning those who distribute nothing from their belongings to the poor of Christ.

LXVII De libertis ex familia ecclesiae

LXVII Concerning freedmen made from

factis si nihil ex proprio conferant sacerdotes qui eos faciunt.

among the slaves of the church if priests who have contributed nothing of their own shall make them [so].

LXVIII De episcopis qui mancipium iuris ecclesiae non retento ecclesiastico patrocínio manumitti desiderat.

LXVIII Concerning bishops who desire a slave freed of the authority of the church without retaining ecclesiastical patrimony.

LXVIII De discretione ex familia ecclesiae manumissorum: qualiter manumittantur, et ne aduersa testificent uel accusent.

LXVIII Concerning the distinction of manumissions among the slaves of the church: how they are manumitted, lest they testify against or accuse.

LXVIII Vt sacerdotes qui aut res suas ecclesiae relinquunt aut nihil habentes aliqua praedia ecclesiis suis conquirunt.

LXVIII That priests who either relinquish their belongings to the church or having nothing take into their possession any booty for their churches.

LXVIII Quod liberti ex familia ecclesiae pro compensatione acquisitae rei sacerdotibus possint fieri.

LXVIII That freedmen from among the slaves of the church for compensation of goods acquired can be created by priests.

LXX De liberos ecclesiae, quia nunquam moritur eorum patrona, a patrocínio eiusdem nunquam discedant.

LXX Concerning freedmen of the church, because the patroness of them never dies, they should never depart from the patronage of her.

LXX De professione libertorum ecclesiae et posteritatis eorum sacerdotibus facienda ne longinquitas temporis hos obnlescere faciat splendore libertatis.

LXX Concerning the profession of freedmen of the church and the posterity of them being made to priests, lest after a long time it happens that these struggle with the splendor of liberty.

LXXI De liberos ecclesiae qui a patrocínio eius discedentes.

LXXI Concerning freedmen of the church departing from her patronage.

LXXI De libertis ecclesiae eiusdem patrocínium relinquentibus.

LXXI Concerning the freedmen of the church relinquishing the patronage of the same.

LXXII De liberos a quibuscumque manumissi sunt atque ecclesiae patrocínio commendati existunt.

LXXII Concerning freedmen manumitted by anyone whomsoever and [who] are also commended to the patronage of the

church.

LXXII De libertis patrocínio ecclesiae commendatis.

LXXII Concerning freedmen commended to the patronage of the church.

LXXIII Vt quicumque libertatem a dominis suis ita percipiunt ut nullus in eis obsequium patronus retentet.

LXXIII That whoever shall thus have received liberty from his master so that the patron retains no service from them.

LXXIII De discretionem libertorum: qui ad ecclesiasticos honores peruenire possunt uel qui prohibeantur.

LXXIII Concerning the differences in freedmen: those who are able to advance to ecclesiastical honors or those who are prohibited.

LXXIII De familiis ecclesiae constituere presbyteres diacones per parrochias liceat.

LXXIII Concerning the slaves of the church it should be lawful for priests to constitute [them] deacons throughout the parishes.

LXXIII De libertis familiarum ecclesiae: qui uel qualiter ad sacerdotium promoueantur, et de rebus eorum quid fiat, ac ne obuium testificent uel accusent.

LXXIII Concerning freedmen of the slaves of the church: who or how they should be promoted to the priesthood, and what one should do concerning their belongings, lest hostile ones testify or accuse.

LXXV De ecclesiastici ordinis instituta uel decreta quae ad quorundam pertinent disciplinam.

LXXV Concerning the ecclesiastical orders instituted or decreed which pertain to the discipline of certain ones.

LXXV De commonitione plebis ne in principes delinquantur, et de electione principum, et de transgressionem fidei quae principibus promittitur, ac de commonitione principum qualiter iudicent, et de ultione principum nequiter iudicantium, atque de execratione Suintilani et coniugis ac proles eius, similiter et de Geilane germano eius ac rebus eorum.

LXXV Concerning the common purpose of the people lest they are failed in their princes, and concerning the election of princes, and concerning the transgression of the loyalty which is promised to princes, and concerning how princes should judge the community, and concerning the vengeance of princes wickedly judging, and also the execration of Suintila and his wife and children, and similarly his brother Geilanus and the affairs of them.

[Concilium ab inscriptione antiqua]¹

Gesta synodalia in Toletanam urbem apud concilium LXVI episcoporum Spaniae et Galliae prouinciarum edita. Anno tertio regnante domno nostro gloriosissimo principe Sisenando, die nonas decembres, aera DCLXXI.²

Dum studio amoris Christi ac diligentia religiosissimi Sisenandi regis Spaniae atque Galliae sacerdotes apud Toletanam urbem in nomine Domini conuenissemus ut eius imperiis atque iussis communis a nobis agitaretur de quibusdam ecclesiae disciplinis tractatus, primum gratias Saluatori nostro Deo omnipotenti egimus; post haec antefato ministro eius excellentissimo et glorioso regi, cuius tanta erga Deum devotio exstat ut non solum in rebus humanis sed etiam in causis diuinis sollicitus maneat. Hic quippe, dum in basilicam beatissimae et sanctae martyris Leocadiae omnium nostrum pariter iam coetus adesset, tali pro merito fidei suae cum magnificentissimis et nobilissimis uiris ingressus, primum coram sacerdotibus Dei humo prostratus cum lacrimis et gemitibus pro se interueniendum Domino postulauit, deinde religiosa prosecutione synodum exhortatus est, ut Paternorum decretorum memores ad conseruanda in nobis iura ecclesiastica studium praeberemus, et illa corrigere quae, dum per negligentiam in usum uenerunt, contra ecclesiasticos mores licentiam sibi de usurpatione fecerunt. Talibus igitur

[The council from the ancient writing]

Synodal acts published in the city of Toledo before the council of sixty-six of the bishops of the provinces of the Spains and of Gaul. In the third year with our most glorious lord prince Sisenand reigning, the nones of December, in the era 671.

While eager for the love of Christ and the diligence of the most religious king Sisenand, we the priests of Spain and also of Gaul have come together at the Toledan city in the name of the Lord, so that his authorities and also communal orders to us might be deliberated concerning the treatment of certain of the disciplines of the church, first we gave thanks to omnipotent God our Savior, and after these for the aforementioned minister of His most excellent and most glorious king, whose devotion towards God shows not only in human things, but moreover so that in divine causes he might remain a truly solicitous man. For this, while in the basilica of the most blessed and holy confessor Leocadia all of us equally now assembled, he was present, as much by his merit, as by his faith, with his most magnificent men he entered, first before the priests of God he prostrated himself on the ground, while with tears and groans on his own behalf did he request for the Lord to intervene: then he exhorted the religious synod to close attention so that in the records of the paternal decrees to be conserved by us we might show devotion to ecclesiastical law,

¹ This phrase appears to be an editors' note, rather than a transcription or reconstruction of the manuscript text.

² 1 December 633. Although the *incipit* cites sixty-six bishops attending the council, the modern edition on which this translation is based indicates sixty-nine signatories.

eius monitis congaudentes necessarium exstitit iuxta eius nostrumque uotum tractare quae competunt: siue in sacramentis diuinis, quae diuerso atque illicito modo in Spaniarum ecclesiis celebrantur, seu quae in moribus prae usurpata noscuntur. Et quoniam generale concilium agimus, oportet primum nostrae vocis sermonem de Deo esse, ut post professionem fidei sequentia operis nostri uota quasi super fundamentum firmissimum disponantur.

and to correct it, because while through negligence in use as some came against ecclesiastical customs they became a license to them concerning usurpation. So many of his warnings therefore showed those rejoicing together the necessity of joining his desire and ours to discuss matters because they coincide: whether in the divine sacraments, which are celebrated in a diverse and also illicit manner in the Spanish churches, or which are known corruptly in usurped customs. And because generally we convene the council, it is fitting first for the sermon of our voice to be concerning God, so that after the profession of faith, in the following works our prayers are arranged as if upon the strongest foundation.

I Secundum diuinas enim scripturas et doctrinam quam a sanctis Patribus accepimus, Patrem et Filium et Spiritum Sanctum unius deitatis atque substantiae confitemur. In personarum diuersitate trinitatem credentes, in diuinitate unitatem praedicantes, nec personas confundimus nec substantiam separamus. Patrem a nullo factum uel genitum dicimus, Filium a Patre non factum sed genitum asserimus, Spiritum uero Sanctum nec creatum nec genitum sed procedentem ex Patre et Filio profitemur; ipsum autem Dominum Iesum Christum Dei Filium et creatorem omnium ex substantia Patris ante saecula genitum descendisse ultimo tempore pro redemptione mundi a Patre, qui nunquam desiit esse cum Patre. Incarnatus est enim ex Spiritu Sancto et sancta gloriosa Dei genetrice Virgine Maria et natus ex ipsa solus. Idem Dominus Iesus Christus, unus de sancta Trinitate, anima et carne perfectum sine peccato suscipiens hominem, manens

I For according to the divine scriptures and doctrine which we receive from the holy Fathers, we confess the Father and the Son and the Holy Spirit of one deity and also substance. Believing the Trinity a diversity of persons, preaching unity in the divinity, we neither confound the persons nor do we separate the substance. We say the Father was made or born from no one, we assert the Son was not made but born from the Father, the Spirit indeed Holy we confess was neither created nor begotten but proceeding from the Father and the Son; moreover the same Lord Jesus Christ the Son of God and creator of all from the substance of the Father before the ages was begotten to descend at the last day for the redemption of the world by the Father, he who never failed to be with the Father. For he was made flesh from the Holy Spirit and the holy most glorious Mary Virgin Mother of God and he alone was born from her. The same Lord Jesus Christ, one of the holy Trinity,

quod erat, assumens quod non erat, aequalis Patri secundum diuinitatem, minor Patri secundum humanitatem, habens in una persona duarum naturarum proprietates (naturae enim in illo duae, Deus et homo; non autem duo filii et dii duo, sed idem una persona in utraque natura), perferens passionem et mortem pro nostra salute non in uirtute diuinitatis sed in infirmitate humanitatis, descendit ad inferos ut sanctos qui ibi tenebantur erueret, deuictoque mortis imperio resurrexit. Assumptus deinde in caelis uenturus est in futurum ad iudicium uiuorum et mortuorum; cuius morte et sanguine mundati remissionem peccatorum consecuti sumus, resuscitandi ab eo in die nouissima in ea qua nunc uiuimus carne et in ea qua resurrexit idem Dominus forma, percepturi ab ipso alii pro iustitiae meritis uitam aeternam, alii pro peccatis supplicii aeterni sententiam. Haec est catholicae ecclesiae fides, hanc confessionem conseruamus atque tenemus, quam quisque firmissime custodierit perpetuam salutem habebit.

perfect in soul and body becoming man without sin, remaining what he was, assuming what he was not, according to the divinity equal to the Father, according to humanity less than the Father, having in one person the properties of two natures (for the two natures in him, God and man; not moreover two sons and two gods, but the same man one person in both natures), undergoing the passion and death for our salvation not in virtue of divinity but in the infirmity of humanity, he descended into hell so that he might free the saints who are held there, and by the vanquishing of death he was resurrected in glory. He was assumed into heaven whence he will come again to judge the living and the dead; cleansed by his death and blood we have pursued the remission of sins, they are to be resurrected by him on the last day in the flesh in which we now live and in the form in which the same Lord arose from the dead, some to be assigned by that very one to the eternal life for just deeds, others to be assigned the sentence of eternal punishment for sins. This is the faith of the catholic church, this confession we conserve and also hold, that whoever shall guard it most firmly shall have perpetual salvation.

II Post rectae fidei confessionem quae in sancta Dei ecclesia praedicatur, placuit ut omnes sacerdotes qui catholicae fidei unitate complectimur, nihil ultra diuersum aut dissonum in ecclesiasticis sacramentis agamus, ne qualibet nostra diuersitas apud ignotos seu carnales schismatis errorem uideatur ostendere, et multis exsistat in sacandalum uarietas ecclesiarum. Vnus igitur ordo orandi atque psallendi a nobis per omnem Spaniam atque Galliam

II After the confession of the right faith which is preached in the holy church of God, it is pleasing that all we priests who are embraced in the unity of the catholic faith, should do nothing diverse or dissonant beyond the ecclesiastical sacraments, lest whatever diversities we please appear to show schismatic error before the ignorant or carnal, and many varieties [of practice] exist to the scandal of the church. Therefore one order of

conseruetur, unus modus in missarum sollemnitatibus, unus in uespertinis matutinisque officiis, nec diuersa sit ultra in nobis ecclesiastica consuetudo, qui una fide continemur et regno. Hoc enim et antiqui canones decreuerunt, ut unaquaeque provincia et psallendi et ministrandi parem consuetudinem teneat.

praying and of psalm-saying should be preserved by us throughout all Spain and Gaul, one manner in the solemnities of the mass, one in the offices of vespers and matins, nor any diverse ecclesiastical custom beyond [this] in us, who are held together in one faith and kingdom. For this the ancient canons have indeed decreed so that every single province maintains the same custom of psalmody and ministry.

III Nulla paene res disciplinae mores ab ecclesia Christi depulit quam sacerdotum neglegentia qui contemptis canonibus ad corrigendos ecclesiasticos mores synodum facere neglegunt. Ob hoc a nobis universaliter definitum est ut, quia iuxta antiqua Patrum decreta³ bis in anno difficultas temporis fieri concilium non sinit, saltem uel semel a nobis celebretur, ita tamen ut, si fidei causa est aut quaelibet alia ecclesiae communis, generalis totius Spaniae et Galliae synodus conuocetur; si uero nec de fide nec de communi ecclesiae utilitate tractabitur, speciale erit concilium uniuscuiusque prouinciae, ubi metropolitanus elegerit peragendum. Omnes autem qui causas aduersus episcopos aut iudices ac potentes aut contra quoslibet alios habere noscuntur, ad eundem concilium concurrant, et quaecumque examine synodali a quibuslibet prae usurpata inueniuntur, regii exsecutoris instantia iustissime his quibus iura sunt refoventur, ita ut pro compellendis iudiciis uel saecularibus uiris ad synodum metropolitani studio idem exsecutor a principe postuletur. Quinto decimo autem kalendarum

III Practically nothing has dislodged the customary affairs of discipline from the church of Christ than the negligence of priests who with contempt for the canons neglect to practice correcting ecclesiastical customs at the synod. From this it is decided by us universally that, because according to the ancient decrees of the Fathers the difficulty of the times does not allow a council to be conducted twice per year, or at least as it is celebrated by us, nevertheless it is thus that, if it is a cause of faith or anything whatsoever of the common church, generally a synod of the whole of Spain and Gaul is convoked; if indeed neither the faith nor the utility of the common church is to be treated, it shall be a special council of each individual province, where the metropolitan shall elect it to be accomplished. Moreover all who are known to have causes against the bishops or the judges or the powerful or against whatever others you please, let them assemble together at this same council, and whatever deeds performed wickedly by whomsoever are discovered by the process of weighing synodally, by the executors of the king with most urgent

³ Council of Nicaea, canon 5; Council of Calcedon, canon 19; Third Council of Toledo, canon 18.

iuniarum congreganda est in unaqueque provincia synodus propter uernale tempus, quando herbis terra uestitur et pabula germinum inueniuntur.

justice these are to be reformed by law, thus so that for the purpose of compelling the judges and secular men to the synod this same executor should with zeal be requested by the metropolitan from the king. On the fifteenth moreover of the kalends of June a synod is to be congregated in every province on account of the springtime, when the earth is clothed in greenery and the sustenances of the new crops are obtained.

III Formula secundum qua debeat sancta synodus in Dei nomine fieri.

III The formula according to which the holy council in the name of God ought to be done.

Hora itaque prima diei ante solis ortum eiciantur omnes ab ecclesia, obseratisque foribus cunctis, ad unam ianuam, per quam sacerdotes ingredi oportet, ostiarii stent. Et conuenientes omnes episcopi pariter introeant et secundum ordinationis suae tempus resideant. Post ingressum omnium episcoporum atque consessum uocentur deinde presbyteres quos causa probauerit introire; nullus se inter eos ingerat diaconorum. Post hos ingrediantur diacones probabiles quos ordo poposcerit interesse, et corona facta de sedibus episcoporum presbyteres a tergo eorum resideant, diacones in conspectu episcoporum stent. Deinde ingrediantur laici qui electione concilii interesse meruerint; ingrediantur quoque et notarii quos ad recitandum uel excipiendum ordo requirit, et obserentur ianuae. Sedentesque in diuturno silentio sacerdotes et cor totum habentes ad Deum, dicat archidiaconus: «Orate». Statimque omnes in terra prostrabuntur, et orantes diutius tacite cum fletibus atque gemitibus, unus ex episcopis senioribus surgens orationem palam fundat ad

And so at the first hour of the day, before the rising of the sun let them all be expelled from the church, and watching together from the entrance, all hesitating together at one door, through which the priests ought to enter, let the doorkeeper stand. And all the bishops coming together let them enter equally and according to the time of their ordination let them sit down. After the entrance of all the bishops, and also the assembly, then let the priests who shall have tried to enter for cause be called. Let no one of the deacons force himself among them. After this, let these commendable deacons, whom order demands to be present, process: and with the seats of the bishops making a crown, let the priests sit down at the back of them. Let the deacons stand in view of the bishops. Then let the laity enter, who by the election of the council deserved to be present. And also let the notaries enter, those who the assembly asks to read or to receive, and let the door be closed. And the priests sitting in long-lasting silence, and the whole mind esteeming God, let

Dominum, cunctis adhuc in terra iacentibus. Finita autem oratione et responso ab omnibus « Amen », rursus dicat diaconus: « Erigite uos », et confestim omnes surgant et cum omni timore Dei et disciplina tam episcopi quam presbyteres sedeant, sicque omnibus in suis locis in silentio consedentibus diaconus alba indutus codicem canonum in medio proferens capitula de conciliis agendis pronuntiet, finitisque titulis metropolitanus episcopus concilium alloquatur dicens: « Ecce, sanctissimi sacerdotes, recitatae sunt ex canonibus priscorum Patrum sententiae de concilio celebrando. Si qua igitur quempiam uestrum actio commouet, coram suis fratribus proponat ». Tunc si aliquis quamcumque querellam quae contra canonem agit, in audientiam sacerdotalem protulerit, non prius ad aliud transeat capitulum nisi primum quae proposita est actio terminetur. Nam et si presbyter aliquis aut diaconus, clericus siue laicus, de his qui foris steterint, concilium pro qualibet re crediderit appellandum, ecclesiae metropolitanae archidiacono causam suam intimet, et ille concilio denuntiet. Tunc illi et introeundi et proponendi licentia concedatur. Nullus autem episcoporum a coetu communi secedat antequam hora generalis secessionis adueniat; concilium quoque nullus soluere audeat nisi fuerint cuncta determinata, ita ut quaecumque deliberatione communi finiuntur, episcoporum singulorum manibus subscribantur. Tunc enim Deus suorum sacerdotum interesse credendus est si tumultu omni abiecto sollicitate atque tranquille ecclesiastica negotia terminentur.

the archdeacon say, "Pray." And at once all shall be prostrated on the ground, and praying longer quietly by themselves and with tears, let one from among the senior bishops rising pour out the prayer openly to the Lord, all together at this point, lying still on the ground. With the prayer finished and the response by all, "Amen," again let the archdeacon say: "Raise ye." And with all in fear of God, and disciplined, let the bishops as well as the priests sit. And thus with all in their assigned places in silence, the deacon dressing himself in white, bringing forth the codex of canons into the middle, let him announce the articles to be treated according to the conciliar agendas, and with the ending of the [canonical] titles, let the metropolitan bishop address the council saying: "Behold, most holy priests, the sentences are recited from the canons of the holy fathers concerning the council to be celebrated. If any of you therefore, insofar as piety impels your action, let him display it face-to-face with his brothers." If then any one of you shall make a complaint to another against the canon, he shall bring it forth into the priestly audience, neither shall it be passed over before going on to another article, nor before the first action is proposed to be terminated. For if any priest, or deacon, cleric, or lay person among those from outside the doors, on whatsoever matter he is believed to have been summoned to the council, let him reveal his cause to the archdeacon of the metropolitan church, and let him declare that to the council. Then to those things to be introduced and to be propounded let permission be conceded. None moreover of the bishops should withdraw from the common gathering before the hour of

withdrawing should come; which council should dare to resolve nothing unless they shall every one have been determined, thus so that whatsoever [matters] are completed with common deliberation, at the very least they are to be agreed to in writing by no less than every single one of the bishops. For then God is to be believed to be among our priests if every restless tumult humbly and also the ecclesiastical affairs tranquilly are terminated.

V Solet in Spaniis de sollemnitate paschali uarietas exsistere praedicationis; diuersa enim obseruantia laterculorum paschalis festiuitatis interdum errorem parturit. Proinde placuit ut ante tres menses epiphaniorum metropolitani sacerdotes litteris inuicem se inquirant ut communi scientia edocti diem resurrectionis Christi et comprouincialibus suis insinuent et uno tempore celebrandum annuntient.

V It is customary in the Spains for varieties of preaching concerning the solemnity of Easter to exist; for diverse observances of the foundations of the paschal festivities meanwhile give birth to error. Accordingly it shall be pleasing that three months before Epiphany the priests themselves mutually in letters seek from the metropolitan so that they and their comprouincials may work in the knowledge commonly taught [concerning] the day of the resurrection of Christ and let them announce publicly the one time [for Easter] to be celebrated.

VI De baptismi autem sacramento propter quod in Spaniis quidam sacerdotes trinam, quidam simplam mersionem faciunt, a nonnullis schisma esse conspicitur et unitas fidei scindi uidetur. Nam dum partes diuerso et quasi contrario modo agunt, alii alios non baptizatos esse contendunt. Proinde quid a nobis in hac sacramenti diuersitate fiendum sit, apostolicae sedis informemur praeceptis, non nostram sed Paternam institutionem sequentes. Beatae igitur memoriae Gregorius, Romanae ecclesiae pontifex, qui non solum partes Italiae illustrauit sed et longe existentes ecclesias sua doctrina

VI Moreover concerning the sacrament of baptism, for the reason that certain priests perform a triple and certain others a single immersion, it is observed by some to be a schism and by others the unity of faith seems to be torn apart: while now factions do so in a diverse and somewhat contrary fashion, others contend they are not baptized, accordingly, it is to end what is to us diversity in this sacrament, we are informed by order of the apostolic see, following, not us, but the paternal teaching. Thus Gregory of blessed memory Pope of the Roman church,

perdocuit, efflagitante sanctissimo Leandro episcopo de hac Spaniae diuersitate quid potius esset sequendum, inter cetera rescribens ei sic ait: «De trina uero mersione baptismatis nihil respondi uerius potest quam ipsi sensistis, quia in una fide nihil officit sanctae ecclesiae consuetude diuersa. Nos autem quod tertio mergimus, triduanae sepulturae sacramenta signamus, ut dum tertio ab aquis infans educitur, resurrectio tridui temporis exprimatur. Quod si quis forte etiam pro summae Trinitatis ueneratione aestimet fieri, neque ad hoc aliquid obsistit baptizandum semel in aquis mergere, quia dum in tribus subsistentiis una substantia est, reprehensibile esse nullatenus potest infantem in baptismo uel ter uel semel mergere, quando et in tribus mersionibus personarum trinitas et in una potest diuinitatis singularitas designari. Sed si nunc usque ab haereticis infans in baptismo tertio mergebatur, fiendum apud uos esse non censeo, ne, dum mersiones numerant, diuinitatem diuidant, dumque quod faciebant faciunt, morem uestrum se uicisse glorientur».⁴ Quapropter quia de utroque sacramento quod fit in sancto baptism, a tanto uiro reddita est ratio quod utrumque rectum utrumque irreprehensibile in sancta Dei ecclesia habeatur, propter uitandum autem schismatis scandalum uel haeretici dogmatis usum, simplam teneamus baptismi mersionem, ne uideantur apud nos qui tertio mergunt, haeticorum probare assertionem, dum sequuntur et morem. Et ne forte cuiquam sit dubium huius simpli [sic] mysterium sacramenti, uideat in eo mortem et resurrectionem

which not only illuminated parts of Italy, but taught existing far off churches her doctrine, having been asked by the most holy bishop Leander, concerning this diversity of Spain, which it is preferable to comply with, among other things he writing back to him, said this: "Concerning indeed the threefold immersion in baptisms, no question can be more proper to be answered, than these same perceptions: because in one faith nothing diverse impedes the tradition of the holy church. We, moreover, immerse three times because, sacramentally we mark (His) three days in the tomb; so that as the infant is raised from the water three times, the resurrection within three days of time is expressed. Since if any moreover for the purpose of the highest Trinity with strong veneration esteem it to be done; and not to immerse in water a single time to baptize: which is one substance in three subsistencies, with the infant being grasped it can be submerged in baptism even thrice or one time; and when in three immersions the Trinity of Persons, and in one singular immersion their divinity can be designated. But now as long as an infant is immersed three times in baptism by heretics, I do not censure you to do it otherwise: nor, while they number immersions, do they divide the divinity; and while what they may have done they shall do, they are glorified by your way which itself is to conquer." On account of this, which reason turns from either sacrament what is in holy baptism by such a man, what is both right, and what is irreprehensible is held in the holy church of God, because moreover of the vice and scandal of schismatics, or the

⁴ Gregory the Great, *Epistle* I.41.

Christi significari. Nam in aquis mersio quasi in infernum descensio est, et rursus ab aquis emersio resurrectio est. Item uideat in eo unitatem diuinitatis et trinitatem personarum ostendi: unitatem dum semel mergimus, trinitatem dum in nomine Patris et Filii et Spiritus Sancti baptizamus. Panditur huius singularis baptismatis mysterium etiam sanctarum scripturarum exemplis, Paulo apostolo attestante: «Nolo uos ignorare, fratres, quoniam patres nostri omnes sub nube fuerunt et omnes mare transierunt et omnes in Moysen baptizati sunt in nube et in mari».⁵ Mare quippe Rubrum significant baptismum Christi sanguine consecratum, per quem populus Dei semel transiit, ubi tamen tota erat Trinitas, praecedente populum columna ignis et nubis: in igne quippe significatur Pater, in columna Filius, in nube Spiritus Sanctus. Iordanis quoque fluenta cum arca populus Dei semel transiit,⁶ per quod significatur simpla mersio baptismatis, cuius sacramento ecclesia abluatur et de saeculi huius laboribus per baptismum quasi per Iordanem ad terram caelestis repromissionis ingreditur.

use by dogmatic heretics, we hold the single immersion of baptism; nor lest they appear to us, who immerse three times, to demonstrate the assertion of the heretics, while they follow the custom. And lest perhaps to anyone there be a doubt, the double mystery of this simple sacrament is not by chance, for in it one sees the death and resurrection of Christ to be expressed: for the immersion into water, is as the descent into hell, and again the emergence from the water is the resurrection. Likewise, let one see in it the unity of the divinity, and the Trinity of the persons to be shown: the unity while we immerse once; the Trinity while we baptize in the name of the Father and the Son and the Holy Spirit. The mystery of this singular baptism is explained by example of sacred scripture, Paul the Apostle having attested: "I do not wish you to ignore brothers, because all our fathers were under a cloud of smoke, and all were passed over, and all were baptized in Moses, in the cloud of smoke and in the sea. For the Red Sea signifies baptism consecrated with the blood of Christ, the sea through which the people of God once passed: yet where the entire Trinity was, preceding the people a column of fire and smoke. For in fire the Father is signified, in the column the Son, and in smoke the Holy Spirit. Also when the people of God crossed the river of the Jordan with the ark once and for all through which is signified the simple immersion of baptism by which the church is purified, and from the labors of this generation through baptism, just as through the Jordan, one enters the land of

⁵ I Corinthians 10:1-2.

⁶ Joshua 3:14-17.

celestial promise.

VII Comperimus quod per nonnullas ecclesias in die sexta feria passionis Domini clausis basilicarum foribus nec celebretur officium nec passio Domini populis praedicetur, dum idem Saluator noster apostolis suis praecipiat dicens: «Passionem et mortem et resurrectionem meam omnibus praedicate».⁷ Ideoque oportet eodem die mysterium crucis, quod ipse Dominus cunctis annuntiandum uoluit, praedicare atque indulgentiam criminum clara uoce omnem populum postulare, ut paenitentiae compunctione mundati uenerabilem diem Dominicae resurrectionis remissis iniquitatibus suscipere mereamur, corporisque eius et sanguinis sacramentum mundi a peccato sumamus.

VII We have found out that through some churches, on the sixth day of the week of the Lord's Passion, with the doors of the basilica closed, neither is the office celebrated, nor is the Passion of the Lord preached to the people; as our same savior instructed his apostles, saying: "Preach to all men my passion and death and resurrection." For that reason it is proper that on that same day of the complete mystery of the cross itself that the Lord desired to be announced all together, to be preached and also all the people to request with clear voice the indulgence of faults: having been cleansed by the compunction of penitence, the venerable day of the resurrection of the Lord, may we be made worthy to receive remission of iniquity; let us receive the sacrament of his body and his blood, cleansed of the sins of the world.

VIII Quidam in die eiusdem Dominicae passionis ab hora nona ieiunium soluunt, conuiuuiis abutuntur et, dum sol ipse eadem die tenebris palleatus lumen subduxerit ipsaque elementa turbata maestitiam totius mundi ostenderint, illi ieiunium tanti diei polluunt epulisque inseruiunt. Et quia totum eundem diem uniuersalis ecclesia propter passionem Domini in maerore et abstinentia peragit, quicumque in eo ieiunium praeter paruulos, senes et languidos ante peractas indulgentiae preces resolverit, a paschali gaudio depellatur nec in eo sacramentum corporis et sanguinis Domini percipiat qui diem passionis eius per abstinentiam non honorat.

VIII Some on the same day of the lordly passion at the ninth hour release the fasting, they misuse the feasts, and while the sun itself on this same day withdraws from paled light into darkness, and while the same disturbed elements manifest the sadness of the whole world, these men defile with feasts the entire day, they serve the interests of banquets. And because the universal church passes this same entire day on account of the Passion of the Lord in grief and abstinence, whoever on it except the very young, the very old and the sick before going through the prayers of indulgence shall have released the fast, expelled from the paschal rejoicing let him not receive on it

⁷ For allusion see Luke 24: 46-47.

the sacrament of the body and blood of the Lord who he does not honor on the day of his Passion through abstinence.

VIII Lucerna et cereus in peruigiliis paschae apud quasdam ecclesias non benedicuntur et cur a nobis benedicantur inquirunt. Propter gloriosum enim noctis ipsius sacramentum sollemniter haec benedicimus ut sacrae resurrectionis Christi mysterium, quod tempore huius uotivae noctis aduenit, in benedictione sanctificati luminis suscipiamus. Et quia haec observatio per multarum loca terrarum regionesque Spaniae in ecclesiis commendatur, dignum est ut propter unitatem pacis in Gallicanis ecclesiis conseruetur. Nulli autem impune erit qui haec statuta contempserit sed Paternorum regulis subiacebit.

VIII The sanctuary oil lamp and the candle are not blessed in some churches during the Easter vigil, and they inquire why they are blessed by us. For we bless these things on account of the solemnity of the night of the same glorious sacrament, so that the mystery of the holy resurrection of Christ, that comes in the time of the night of his self-offering, we receive by the blessing of sanctified light; and because this observance is commended in the churches throughout many places in the land and the regions of Spain, it is worthy that it be maintained in the Gallican churches on account of unity and peace. Moreover, there shall be no one who shall despise these statutes but he shall be under the control of the Paternal regulations.

X Nonnulli sacerdotum per Spanias reperiuntur qui Dominicam orationem, quam Saluator noster docuit et praecepit, non cotidie sed tantum die Dominica dicunt. Et quia ut sine intermissione oremus Apostolus docuit,⁸ qualiter autem oremus Christus praecepit dicens: « Cum autem oratis dicite: Pater noster qui es in caelis ... », ⁹ quomodo ergo cotidie non dicitur quod sine intermissione dici iubetur? Nam in tantum cotidie haec oratio dicenda est quantum et ipso titulo utitur dum uocatur oratio cotidiana. Sic enim eam sancti Patres nuncupauerunt, quod etiam apud doctores quorum illustris doctrina est, inuenitur. Sanctus quippe

X Some of the priests throughout the Spains are discovered, who say the Lord's Prayer that our Savior taught and preached not daily but only on Sunday, and given that the Apostle taught that we pray without pause, a quality moreover that Christ preached saying that we pray: "When moreover you pray, say: Our Father who is in heaven;" thus, how can it not be said daily when it was ordered to be said without pause, for every day this prayer is to be said, and so much is it used by that same title that it is called the daily prayer; for so the holy fathers have expressed it, because by so many illustrious doctors the doctrine is

⁸ I Thessalonians 5:17.

⁹ Luke 11:2; Matthew 6:9.

Cyprianus dicit: «Itaque in oratione Dominica panem nostrum, id est Christum, dari nobis cotidie petimus, ut qui in Christo manemus et uiuimus, a sanctificatione et corpore eius non recedamus.»¹⁰ Sanctus Hilarius dicit: «Panem nostrum cotidianum da nobis hodie. Quid enim tam uult Deus quam ut cotidie Christus habitet in nobis, qui est panis uitae et panis e caelo? Et quia cotidiana oratio est, cotidie quoque ut detur oratur».¹¹ Sanctus Agustinus dicit: «De cotidianis autem breuibusque peccatis, sine quibus uita haec non ducitur, cotidiana oratio fidelium satisfacit. Eorum est enim dicere: Pater noster qui es in caelis, qui iam Patri tali regenerati sunt ex aqua et Spiritu Sancto. Delet igitur haec cotidiana oratio minima cotidiana peccata. Delet et illa a quibus uita fidelium etiam scelerate gesta paenitendo in melius mutata discedit».¹² Ergo sicut Christus praecepit, sicut Apostolus admonuit, et quemadmodum doctores ecclesiastici instituerunt, quia cotidie uel cogitatione uel uerbo uel opera delinquimus, cotidie hanc orationem effundere in conspectu Dei debemus. Quisquis ergo sacerdotum uel subiacentium clericorum hanc orationem Dominicam cotidie aut in publico aut in priuato officio praeterierit, propter superbiam iudicatus ordinis sui honore multetur.

conceived. Seeing that holy St. Cyprian says: “And so as in the lordly prayer our bread; what it is that we petition Christ to give us daily, so that we may not recede from the sanctification we live and remain in Christ and in his body.” St. Hilary says: “Give us this day our daily bread: for what does God desire as much in us as that Christ may live in us daily, who is the bread of life and the bread from heaven?” And why is it a daily prayer that is not prayed and offered daily? By St. Augustine it is said: “Concerning brief and daily sins without which this life is not led daily, the daily prayer satisfies most dependably. For it is theirs to say Our Father who is in heaven, who are now reborn from the water and the Holy Spirit by such a great Father: Therefore this daily prayer destroys small daily sins. It destroys and most dependably those sins by which life for the deed in penitence is better changed from sinful. Then as Christ preached, so the Apostle admonished, and so the ecclesiastical doctors instituted, because we are delinquent daily in thought or word or deed, this prayer we ought to pour out daily in the sight of God; thus whoever of the priests or the lesser clerics this lordly prayer daily in public or in private office shall neglect on account of pride, judged by his order let him be punished according to his rank.

XI Item cognouimus quosdam Spaniae sacerdotes, quod in quadragesimae diebus «Alleluia» decantent praeter in ultima hebdomada paschae; quod deinceps fieri

XI We also have learned that some priests of Spain sing the “Alleluia” during the forty days of Lent before the last week of Easter, which henceforth we prohibit to

¹⁰ Cyprian, *De Dominica oratione* 18 (CCSL, 3A, 102).

¹¹ I have not located the source of this quotation.

¹² Augustine, *Enchiridion* 71 (CCSL 46, 88).

interdicimus, statuentes ut in omnibus praedictis quadragesimae diebus, quia tempus est non gaudii sed maeroris, «Alleluia» non decantetur. Tunc enim opus est fletibus ac ieiuniis insistere, corpus cilicio et cinere induere, animum maeroribus deicere, gaudium in tristitiam uertere, quousque ueniat tempus resurrectionis Christi, quando oporteat «Alleluia» in laetitia canere et maerorem in gaudium commutare. Hoc enim ecclesiae uniuersalis consensio in cunctis prouinciarum partibus roborauit, quod et a nobis omnibus ut conseruetur per Spanias Galliasque prouincias oportebit. Si quis igitur episcopus aut presbyter aut diaconus aut quilibet ex ordine clericorum fuerit repertus qui arbitrium suum huic constitutioni aestimet praeferendum, ordinis sui officium carere cogatur et communione eiusdem paschae priuetur.

XII In quibusdam quoque Spaniarum ecclesiis laudes post apostolum decantantur priusquam euangelium praedicetur, dum canones praecipiant post apostolum non laudes sed euangelium annuntiare. Praesumptio est enim ut anteponantur ea quae sequi debent, nam laudes ideo euangelium sequuntur propter gloriam Christi, quod per eundem euangelium praedicatur. Circa omnes igitur sacerdotes hic ordo deinceps retineatur, excommunicationis poenam suscepturi qui hunc ordinem perturbauerint.

be done, establishing that while in all the aforesaid days of Lent, because it is not a time of rejoicing but of grief, for that reason the “Alleluia” should not be sung; for at that time it is needful to persevere with tears and fasts, to dress the body with sackcloth and ashes, the soul to descend into grieving, to transform joy into sadness, until the time of the resurrection of Christ comes, when it is proper both to sing the “Alleluia” in happiness and to change sadness into joy. For this the universal church has reinforced with the consent of all areas of the provinces, it shall be proper to all that it be observed together throughout the Spanish and Gallican provinces. Therefore if any bishop or priest or deacon or any from the order of clerics shall be discovered, who thinks his judgment is to be preferred to this constitution, let him be forced to abandon the office of his rank and to be deprived from communion at the same Easter.

XII Also because in certain churches of Spain the Lauds are sung after the Apostle and before the Gospel is preached, while the canons order not to announce the Lauds after the Apostle but after the Gospel, for it is a presumption that they are placed before it which they ought to follow; because the Lauds follow the Gospel because of the glory of Christ, that is preached in the same Gospel; therefore by all priests this order in the future should be retained: the penalty of excommunication is to be received, should they confuse this order [the offender] is to suffer the penalty of excommunication.

XIII De hymnis etiam canendis et Saluatoris et apostolorum habemus exemplum, nam et ipse Dominus hymnum dixisse perhibetur, Matthaeo euangelista testante: «Et hymno dicto exierunt in montem Oliueti».¹³ Et Paulus apostolus ad Ephesios scripsit dicens: «Implemini Spiritu loquentes uobis in psalmis et hymnis et canticis spiritalibus».¹⁴ Et quia nonnulli hymni humano studio in laudem Dei atque apostolorum et martyrum trimphis compositi esse noscuntur, sicut ii quos beatissimi doctores Hilarius atque Ambrosius ediderunt – quos tamen quidam specialiter reprobant pro eo quod de scripturis sanctorum canonum uel apostolica traditione non existunt --, respuant ergo et illum hymnum ab hominibus compositum quem cotidie publico priuatoque officio in fine omnium psalmorem dicimus: «Gloria et honor Patri et Filio et Spiritui Sancto in saecula saeculorum. Amen». Nam et ille hymnus quem nato in carne Christo angeli cecinerunt, «Gloria in excelsis Deo et in terra pax hominibus bonae uoluntatis»,¹⁵ reliqua quae ibi sequuntur, ecclesiastici doctores composuerunt. Ergo nec idem in ecclesiis canendus est quia in sanctarum scripturarum libris non est? Componuntur ergo hymni sicut componuntur missae siue preces uel orationes siue commendationes seu manus impositiones, ex quibus si nulla dicantur in ecclesia, uacant officia omnia ecclesiastica. Admonet haec fieri atque hortatur Timotheum Apostolus dicens: «Obsecro igitur primo omnium fieri obsecrationes,

XIII Moreover, concerning the singing of hymns we have the example of the Savior and of the Apostles, and concerning this same thing our Lord is said to have held, with the Evangelist Matthew testifying: “And saying a hymn they went out to the Mount of Olives:” and the Apostle Paul wrote to the Ephesians saying: “You are to be filled with the Spirit by speaking in psalms and hymns and spiritual songs.” And because some hymns are known to be composed by human zeal in praise of God and also in triumph of the Apostles and the martyrs, like those that the most blessed doctors Hilary and Ambrose set forth, nevertheless they especially reprove a certain one that does not appear according to holy scriptures, or in apostolic tradition; and thus they repudiate that hymn composed by men, which daily we say in the public and private office at the end of all the psalms: “Glory and honor to the Father, and the Son, and the holy Spirit forever and ever Amen.” And the angels sang together that hymn when Christ was born in the flesh: “Glory to God in the highest, and on earth peace to men of good will;” the ecclesiastical doctors composed the rest that follows there. Thus is that not to be repeated in the church, which is not found in the books of holy scripture? Thus hymns are composed, as masses are composed, whether prayers, or speeches, or commendations, or the imposition of hands, which if none are to be declaimed in the church, they vacate every ecclesiastical office. The Apostle

¹³ Matthew 26:30.

¹⁴ Ephesians 5:19.

¹⁵ Luke 2:14.

orationes, postulationes, gratiarum actiones pro omnibus hominibus, pro regibus et pro omnibus qui in sublimitate sunt». ¹⁶ Sicut igitur orationes ita et hymnos in laudem Dei compositos nullus nostrum ulterius improbet, sed pari modo Gallia Spaniaque celebret, excommunicatione plectendi qui hymnos reicere fuerint ausi.

admonishes these things to be done, and also urges Timothy, saying: “I beg therefore first of all to be done for all men consecrations, postulations, actions of grace, for kings, and for all, who are in the sublimity.” Therefore as orations and thus hymns composed in praise of God, let us condemn nothing further, but in an equal manner let Gaul and Spain celebrate: let him be punished with excommunication who dares to refuse the hymns.

XIII Hymnum quoque trium puerorum, ¹⁷ in quo uniuersa caeli terraeque creatura Deum collaudat et quem ecclesia catholica per totum orbem diffusa celebrat, quidam sacerdotes in missa Dominicorum dierum et in sollemnitatibus martyrum canere neglegunt. Proinde hoc sanctum concilium instituit ut per omnes ecclesias Spaniae uel Galliae in omnium missarum sollemnitate idem in pulpito decantetur, communionem amissuri qui et antiquam huius hymni consuetudinem nostramque definitionem excesserint. ¹⁸

XIII And also the Hymn of the Three Boys, in which all creatures of heaven and earth greatly praises the Lord, and which the catholic church spread throughout the whole world celebrates, certain priests in the mass on Sunday, and on the feast days of the martyrs neglect to sing: accordingly this holy council establishes, that throughout all the churches of Spain or of Gaul the hymn is to be chanted in all solemn masses in the pulpit: communion is to be lost to any who depart from our definition and the ancient custom of this hymn.

XV In finem psalmorum non sicut a quibusdam hucusque «Gloria Patri ...», sed «Gloria et honor Patri ...» dicatur, Dauid propheta dicente: «Afferte Domino gloriam et honorem»; ¹⁹ et Iohannes euangelista in Apocalipsin audiuit uocem caelestis exercitus dicentium: «Honor et gloria Deo nostro sedenti in throno». ²⁰ Ac per hoc haec duo sic oportent in terris dici sicut in caelis resonant. Vniuersis

XV At the end of the Psalms “Glory to the Father” is not said, but “Glory and honor to the Father,” as the prophet David says, “Offer glory and honor to the Lord,” and as John the Evangelist heard the voice of the army of heaven in [the Book of] Apocalypse saying: “Glory and honor to our God seated on the throne.” So, as through these two doxologies are necessarily to be said on earth, so also do

¹⁶ I Timothy 2:1.

¹⁷ Daniel 3:52-90.

¹⁸ Daniel 31:13, 26.

¹⁹ Psalms 28:2 and 95:7.

²⁰ Allusion to Revelation 5:13.

igitur ecclesiasticis hanc obseruantiam damus, quam quisque praeterierit, communionis iacturam habebit.

they resound in heaven. Therefore we give this observance to the ecclesiastical world, such that whoever shall neglect it will have the loss of communion.

XVI Sunt quidam qui in fine responsuriorum «Gloriam» non dicant propter quod interdum inconuenienter resonat. Sed haec est discretio, ut in laetis sequatur «Gloria», in tristioribus repetatur principium.

XVI There are certain ones who at the end of the responsories do not say the “Gloria” for which reason it sometimes sounds altogether discordant. But this is a discretionary matter, so that in the joyous season the first “Gloria” may follow, it may be dropped in sadder seasons.

XVII Apocalipsin librum multorum conciliorum auctoritas et synodica sanctorum praesulum Romanorum decreta Iohannis euangelistae esse praescribunt et inter diuinos libros recipiendum constituerunt. Et quia plurimi sunt qui eius auctoritatem non recipiunt atque in ecclesiam Dei praedicare contemnunt, si quis eum deinceps aut non receperit aut a pascha usque ad pentecosten missarum tempore in ecclesia non praedicauerit, excommunicationis sententiam habebit.

XVII The authority of many councils and the synodical decrees of the holy Romans have written that the Book of Apocalypse is that of John the Evangelist, and have constituted that it is to be received among the divine books. And because there are many more who do not accept the authority of it and also despise to preach [it] in the church of God, if anyone shall not accept it thenceforth or shall not preach it in the masses from the time of Easter to Pentecost in church, he shall have the sentence of excommunication.

XVIII Nonnulli sacerdotes post dictam orationem Dominicam statim communicant et postea benedictionem in populo dant; quod deinceps interdicimus, sed post orationem Dominicam et coniunctionem panis et calicis benedictio in populum sequatur et tunc demum corporis et sanguinis Domini sacramentum sumatur, eo uidelicet ordine ut sacerdos et Leuita ante altare communicent, in choro clerus, extra chorum populus.

XVIII Some priests communicate immediately after saying the Lord’s Prayer and afterward give the benediction to the people: which from now on we forbid: but after the Lord’s Prayer, and the fellowship of the bread, and of the chalice, the benediction to the people may follow, and only then may the sacrament of the body and blood of the Lord be taken, plainly in this order, so that priests and Levites communicate before the altar, the clerics in the choir, and the people outside the choir.

XVIII Perniciosa consuetudo nequaquam est reticenda quae maiorum statuta

XVIII By no means is silence to be maintained about a pernicious custom

praeteriens omnem ecclesiae ordinem pertubrauit, dum alii per ambitum sacerdotia appetunt, alii oblati muneribus pontificatum assumunt, nonnulli etiam sceleribus implicati uel saecularis militia dediti, indigni ad honorem summi ac sacri ordinis peruenerunt. De quorum scilicet casu atque remotione oportuerat quidem statuendum. Sed ne perturbatio quamplurima ecclesiae oriretur, praeteritis omissis deinceps qui non promoueantur ad sacerdotium, ex regulis canonum necessario credimus inserendum: id est, qui in aliquot crimine detecti sunt,²¹ qui infamiae nota aspersi sunt, qui scelera aliqua per publicam paenitentiam admisisse confessi sunt,²² qui in haeresim lapsi sunt,²³ qui in haeresim baptizati aut rebaptizati esse noscuntur, qui semetipsos absciderunt aut naturali defectu membrorum aut decisione aliquid minus habere noscuntur,²⁴ qui secundae uxoris coniunctionem sortiti sunt aut numerosa coniugia frequentarunt,²⁵ qui uiduam uel marito relictam duxerunt aut corruptarum mariti fuerunt,²⁶ qui concubinas ad fornicationes habuerunt, qui seruili condicione obnoxii sunt, qui ignoti sunt, qui neophyti uel laici sunt,²⁷ qui saecularis militiae dediti sunt, qui curiae nexibus obligati sunt, qui inscii litterarum sunt, qui nondum ad triginta annos peruenerunt, qui per gradus ecclesiasticos non accesserunt, qui ambitu honorem quaerunt, qui muneribus honorem

which, neglecting the major statutes, has disturbed every order of the church; while some persons through ambition desire the priesthood, others usurp the bishopric with offered gifts, and some moreover involved in crimes, or devoted to secular military service, unworthily arrive at the highest honor, the sacred orders. Concerning the situation and the removal of it, it was necessary to establish something. Lest overwhelming perturbation arise in the churches, with past practices dismissed, from now on so that those may not be advanced to the priesthood, we believe something from the rules of the [ancient] canons ought to be inserted to the effect that: those detected in some crime, those sprinkled with marks of infamy, those who have confessed to their crimes and have been admitted to public penitence; those lapsed in heresy, those known to be baptized or rebaptized in heresy, those who have cut off (removed) one of their own members, or are of a natural defect of members, or those known to have a lesser defect, those who have chosen to join with a second wife, or have repeated numerous marriages, who have led the widow or repudiated woman into marriage, or women who have been corrupted in marriage, those who have concubines in fornications, who have been exposed to the servile condition, who are unknown or are neophytes [in the

²¹ Council of Nicaea, canon 9.

²² Third Council of Arles (524 A.D.), canon 3.

²³ Council of Nicaea, canon 10.

²⁴ Council of Nicaea, canon 1.

²⁵ Letter from Pope Siricius to Bishop Himerius of Tarragona, c.385 A.D.

²⁶ Ibid. Council of Gerona, canon 8.

²⁷ Council of Nicaea, canon 2; Council of Serdica, canon 12; Third Council of Arles, canon 2.

obtinere moliuntur, qui a decessoribus in sacerdotio eliguntur. Sed nec ille deinceps sacerdos erit quem nec clerus nec populus propriae ciuitatis elegit uel auctoritas metropolitani uel comprouincialium sacerdotum assensio exquisiuit.²⁸ Quicumque igitur deinceps ad ordinem sacerdotii postulatur et in his quae praedicta sunt exquisitus, in nullo horum deprehensus fuerit atque examinatus probabilis uita atque doctrina exstiterit, tunc secundum synodalia et decretalia constituta cum omnium clericorum uel ciuium uoluntate ab uniuersis comprouincialibus episcopis aut certe a tribus in sacerdotio die Dominica consecrabitur, coniuuentibus [sic] ceteris qui absentes fuerint, litteris suis, et magis auctoritate uel praesentia eius qui est in metropoli constitutus. Episcopus autem comprouincialis ibi consecrandus est ubi metropolitanus elegerit; metropolitanus autem non nisi in ciuitate metropoli comprouincialibus ibidem conuenientibus. Si quis autem deinceps contra praedicta uetita canonum ad gradum sacerdotii indignus aspirare contenderit, cum ordinatoribus suis adepti honoris periculum subiacebit.

[faith], or are laypersons, who have yielded to secular military service, who are bound by the court, who are ignorant of letters, who have not yet attained thirty years of age, who have not ascended through the ecclesiastical ranks, who seek honor through bribery or ambition, who strive to obtain honor with gifts, or who are elected to the episcopacy by those retiring from it. But that man shall not then be a priest, whom neither the clericate nor the people of his own city shall elect or if he has not sought out the assent of the bishops of his own province or the authority of a metropolitan. And whoever therefore having demanded succession to the order of priests, and these things that are aforesaid having been looked for, he shall be found to be caught in the act in none of these things, and also examined, he shall be on record as commendable of life and of doctrine, and accordingly, let him be according to synod or decretal, with the will of all the clerics or the citizens, by all the bishops comprovincially, or he shall at least be consecrated by three in the episcopacy on the dominical day, coming together with the rest who shall have [their] letters [dimissorial] taking the place of those who are [physically] absent, and rather with the authority or presence of him who is appointed in the metropolis. There the bishop is to be consecrated by one of the comprovincials, where the metropolitan shall elect: the metropolitan moreover only in the city of his metropolis, the same bishops coming together with the comprovincials [in the metropolitan city]. If anyone moreover shall strive to aspire unworthily to the succession to the rank of

²⁸ Council of Nicaea, canon 4, Council of Antioch, canon 19.

priests against the aforesaid prohibition of the canons, as soon as he has attained his honors he shall lie under peril from the ordinator.

XX In ueteri lege ab anno uicesimo et quinto Leuitae tabernaculo seruire mandatur,²⁹ cuius auctoritatem in canonibus et sancti Patres secuti sunt. Nos et diuinae legis et conciliorum praeceptis immemores infantes et pueros Leuitas facimus ante legitimam aetatem, ante experientiam uitae. Ideoque ne ulterius fiat a nobis, et diuinae legis et canonicis admonemus sententiis, sed a uiginti quinque annis aetatis Leuitae consecrentur et a triginta presbyteres ordinentur, ita ut secundum Apostolicum praeceptum probentur primum³⁰ et sic ministrent nullum crimen habentes.

XX In the ancient law, the Levites were commanded to serve in the tabernacle from their twenty-fifth year of age: and which authority the holy fathers followed in the canons. And we, reminded of the divine law and of the precepts of the councils, have made infants and young boys Levites before the legitimate age, before the experience of life; and for that reason, lest it be done any more by us, we are advised by the canonical judgments and divine law: but at twenty and five years of age let Levites be consecrated, and at thirty years let priests be ordained: so that, according to apostolic teaching, they are proven first, and then they shall minister having no crime [against them].

XXI Quicumque in sacerdotio Dei positi sunt, irreprehensibiles esse debent, Paulo apostolo attestante: «Oportet episcopum irreprehensibilem esse».³¹ Inoffensos igitur et immaculatos decet Dei exsistere sacerdotes, nec ullo eos fornicationis contagio pollui, sed caste uiuentes mundi semetipsos celebrandis exhibeant sacramentis. Abstineamus ergo nos ab omni opere malo, et ab omni inquinamento carnis liberi maneamus, ut mundi corpore, purgati mente, possimus ad sacrificium Christi digni accedere et Deum pro delictis omnium deprecare.

XXI Any who are put in the priesthood of God ought to be blameless, as Paul the Apostle attests, “It is proper for the bishop to be blameless.” Therefore it is fitting for those priests of God to be free of offences and immaculate, neither to be polluted by any contagion of fornication: but living chastely, let these men show themselves clean in celebration of the sacrament. Thus let us therefore refrain from every evil work, and remain free from all pollution of the flesh: so that with clean body, with purged mind, we can worthily approach the sacrifice of Christ, and beg pardon of God for the crimes of all.

²⁹ Numbers 8:24.

³⁰ I Timothy 3:10.

³¹ I Timothy 3:2.

XXII Quamuis conscientiam puram apud Deum nos habere oporteat, tamen et apud homines famam optimam custodire conuenit, ut iuxta praeceptum Apostolicum «non tantum coram Deo sed etiam coram hominibus»³² uitae sanctae testimonium habeamus. Quidam enim hucusque sacerdotum non modicum scandalum creauerunt dum in conuersatione uitae non bonae famae existunt. Vt igitur excludatur deinceps omnis nefanda suspicio aut casus, et ne detur ultra saecularibus obtrectandi locus, oportet episcopos testimonium probabilium personarum in conclaui suo habere, ut et Deo placeant per conuersationem bonam et ecclesiae per optimam famam.

XXIII Non aliter placuit ut quemadmodum antistites ita presbyteres atque Leuitas quos forte infirmitas aut aetatis grauitas in conclaui episcopi manere non sinit, ut et idem in cellulis suis testes uitae habeant uitamque suam sicut nomine ita et meritis teneant.

XXIII Prona est omnis aetas ab adulescentia in malum.³³ Nihil enim incertius quam uita adulescentium. Ob hoc constituendum oportuit ut si qui in clero puberes aut adulescentes existunt, omnes in uno conclaui atri commorentur, ut lubricae aetatis annos non in luxuria sed in disciplinis ecclesiasticis agant deputati probatissimo seniori quem et magistrum doctrinae et testem uitae habeant. Quod si aliqui ex his pupilli

XXII Although it is fitting that we have a pure conscience before God, nevertheless before men it is also meet to guard the best reputation: so that according to the Apostolic teaching “we may have not just the witness of a holy life before God, but also before men,” we should have the witness of a holy life. For now certain of the priests have created not a little scandal through their daily life and are not of good repute. Therefore, so that in all cases suspicion of crime is excluded, and lest a place be given to be disparaged by secular persons, it is fitting for bishops to have in their conclave the testimony of virtuous persons; so that they may be pleasing through a pure life and through the highest reputation of the church.

XXIII It has not otherwise pleased that the bishop does not allow priests or Levites in powerful infirmity or old age to remain in his conclave, and so the same should keep witnesses of their lives in the privacy of their cells, so that as they possess their lives in name, so should they also with their merits.

XXIV Every generation is prone to evil in its youth: for nothing (is) more uncertain than the life of a youth. For this reason it has been proper to establish, that if any prepubescent or adolescent youths are in clerical orders, let them all stay in one hall, so that they spend the years of a slippery age not in sexual sin, but in the ecclesiastical disciplines, handed over to the eldest and most proven man, who holds the mastery of doctrine and the

³² II Corinthians 8:21.

³³ Genesis 8:21.

exsistunt, sacerdotali tutela foueantur ut et uita eorum a criminibus intacta sit et res ab iniuria improborum. Qui autem his praeceptis resultauerint, monasteriis deputentur ut uagantes animi et superbi seueriori regula dstringantur.

witness of life. So that if any of these rise (above the others by merit), let them be nourished by sacerdotal tutelage, and so that the life of them may be untouched by offences and their lives and affairs (protected) from the injuries of reprobates. Moreover they who shall have retreated from these precepts, let them be deputed to the monasteries, so that the wanderers may be restrained from self will and pride by a more severe rule.

XXV Ignorantia mater cunctorum errorum maxime in sacerdotibus Dei uitanda est, qui docendi officium in populis susceperunt. Sacerdotes enim legere sancta scriptura admonet, Paulo apostolo dicente ad Timotheum: «Intende lectioni, exhortationi, doctrinae»;³⁴ «semper permane in his».³⁵ Sciant igitur sacerdotes scripturas sanctas et canones ut omne opus eorum in praedicatione et doctrina consistat atque aedificent cunctos tam fidei scientia quam operum disciplina.

XXV Ignorance, the mother of all error, is to be avoided especially in the priests of God, who have accepted the moral obligation of teaching among the people. For the priests are admonished to read the holy scriptures, with Paul the Apostle saying to Timothy: “Strive in the reading, in the exhortation, always remain persistent in these.” Therefore, let the priests know the holy scriptures, and the canons, so that every preaching consists of the work and doctrine of them, and also in all let them build the knowledge of the faith as much as the discipline of the office.

XXVI Quando presbyteres in parrociis ordinantur, libellum officiale a sacerdote suo accipiant ut ad ecclesias sibi deputatas instructi succedant, ne per ignorantiam etiam in ipsis diuinis sacramentis offendant, ita ut quando ad letanias uel ad concilium uenerint, rationem episcopo suo reddant qualiter susceptum officium celebrant uel baptizant.

XXVI When priests are ordained in the parishes let them receive from their bishop the ritual books, so that instructed they may succeed to the churches handed over to them, lest moreover they offend in the divine sacraments through ignorance, so that thus when they shall have come to the litanies or to a council, they might render an account to their bishop of how they celebrate the performance of the office or baptize.

³⁴ I Timothy 4:13.

³⁵ II Timothy 3:14.

XXVII Quando presbyteres aut diacones per parrocias constituuntur, oportet eos professionem episcopo suo facere ut caste et pure uiuant sub Dei timore, ut dum eos talis professione alligat, uitae sanctae disciplina retineat.

XXVII When priests or deacons are assigned throughout the parishes, it is necessary that they make a profession to their bishop, so that they may live properly and with pure intent in fear of God: so that while such a profession binds them fast, they may maintain the discipline of a holy life.

XXVIII Episcopus, presbyter aut diaconus si a gradu suo iniuste deiectus, in secunda synodo innocens reperiatur, non potest esse quod fuerat nisi gradus amissos recipiat; ut si episcopus fuit, recipiat coram altario de manu episcoporum orarium, anulum et baculum; si presbyter, orarium et planetam; si diaconus, orarium et albam; si subdiaconus, patenam et calicem; sic et reliqui gradus ea in reparationem sui recipiant quae cum ordinarentur perceperant.

XXVIII If the bishop, priest, or deacon, unjustly demoted from his rank, is found innocent in a second synod, he is not able to be what he was unless he receives the grades lost before the altar: if he was a bishop, let him receive the stole, the ring, and the staff: if a priest, the stole and the priest's mitre: if a deacon, the stole and the alb: if a subdeacon, the paten and chalice: and thus let the rest each receive that in restoration of their rank which they had accepted when they were ordained.

XXVIII Si episcopus quis aut presbyter siue diaconus uel quilibet ex ordine clericorum magos aut haruspices aut hariolos, aut certe augures uel sortilegos uel eos qui profitentur artem aliquam, aut aliquos eorum similia exercentes, consulere fuerit deprehensus, ab honore dignitatis suae depositus monasterii poenam excipiat ibique perpetua paenitentia deditus scelus admissum sacrilegii luat.

XXVIII If any bishop or priest or deacon or any from the order of clerics shall have been seized in the act of consulting either sorcerers or soothsayers or oracles, or certain forecasters or casters of lots or those who have publicly professed any such art, or some of them practicing similar arts, deposed from his dignity, let him be punished in a monastery and there let him guilty of the admitted offense of sacrilege pay the penalty of perpetual penitence.

XXX Confinitimi hostium sacerdotes praeter eos qui a regia potestate licentiam acceperunt aut quodlibet mandatum, ad gentem extraneam occulte accipere uel dirigere non praesumant. Qui autem deprehenditur atque conuincitur, denunciatus principi apud concilium condigne animaduersione multabitur.

XXX Priests on the boundaries of the enemy, except those who have received permission by the royal authority, may not presume secretly to receive from or to send to a foreign nation any command whatsoever. Whoever moreover is found out and also convicted, denounced to the prince, let him be punished fittingly

before the council.

XXXI Saepe principes contra quoslibet maiestatis obnoxios sacerdotibus negotia sua committunt, et quia sacerdotes a Christo ad ministerium salutis electi sunt, ibi consentiant regibus fieri iudices ubi iureiurando supplicii indulgentia promittitur, non ubi discriminis sententia praeparatur. Si quis ergo sacerdotum contra hoc commune consultum discussor in alienis periculis exstiterit, sit reus effusi sanguinis apud Christum et apud ecclesiam perdat proprium gradum.

XXXI Often princes entrust their business against certain persons disagreeable to [their] majesty to priests, and because priests were chosen by Christ for the ministry of salvation, they consent to be made judges for the kings when there is a favor promised for justly swearing out punishment, not when a decisive sentence is prepared. If any of the priests thus is on record against this common decree as an agent in foreign dangers, before Christ let him be guilty of having poured out blood and so before the church let him lose his own rank.

XXXII Episcopi in protegendis populis ac defendendis impositam a Deo sibi curam non ambigant, ideoque dum conspiciunt iudices ac potentes pauperum oppressores exsistere, prius eos sacerdotali admonitione redarguant, et si contempserint emendari, eorum insolentiam regiis auribus intiment ut quos sacerdotalis admonitio non flectet ad iustitiam, regalis potestas ab improbitate coerceat. Si quis autem episcoporum id neglexerit, concilio reus erit.

XXXII Let the bishops not wander in the duty assigned to themselves by God of protecting and even defending the people, and while they observe judges and the powerful to become oppressors of the poor, first let them [the bishops] argue against them [the judges and the powerful] with episcopal admonition, and if they [the judges and the powerful] shall have despised to be corrected, let them [the bishops] intimate the haughtiness of them [the judges and the powerful] to the royal ears so that those who the episcopal admonition does not bend to justice, the royal power may force from improbity. If any of the bishops shall have neglected it, to the council he shall be guilty.

XXXIII Avaritia radix cunctorum malorum, cuius sitis etiam sacerdotum mentes obtinet. Multi enim fidelium in amore Christi et martyrum in parrociis episcoporum basilicas construunt, oblationes conscribunt; sacerdotes haec auferunt atque in usus suos conuertunt. Inde est quod cultores sacrorum deficiunt

XXXIII Avarice is the root of all evil, whose longing holds the minds of priests. For many of the faithful in the love of Christ and the martyrs build basilicas in the parishes of the bishops, [for which] they give endowments; the priests take over these and also convert them to their own use. It is for that reason that the

dum stipendia sua perdunt; inde labentium basilicarum ruinae non reparantur quia auaritia sacerdotali omnia auferuntur. Pro qua re constitutum est a praesenti concilio episcopos ita dioceses suas regere ut nihil ex earum iure praesumant auferre, sed iuxta priorum auctoritatem conciliorum tam de oblationibus quam de tributis ac frugibus tertiam consequantur.³⁶ Quod si amplius quippiam ab eis praesumptum exsisterit, per concilium restauretur, appellantibus aut ipsis conditoribus, aut certe propinquis eorum si iam illi a saeculo discesserunt. Nouerint autem conditores basilicarum in rebus quas eisdem ecclesiis conferunt, nullam potestatem habere sed iuxta canonum instituta sicut ecclesiam ita et dotem eius ad ordinationem episcopi pertinere.³⁷

XXXVIII Quicumque episcopus alterius episcopi diocesem per triginta annos sine aliqua interpellatione possederit, quia secundum ius legis eius iam uidetur esse diocesis,³⁸ admittenda non est contra eum actio reposcendi, sed hoc intra unam prouinciam, extra uero nullo modo ne, dum diocesis defenditur, prouinciarum termini confundantur.

worshippers of the holy places lack resources while they [the priests] waste their contributions; thence the fallen-down ruins of basilicas are not repaired since they are all taken away by sacerdotal avarice. For which reason it is constituted by the present council that bishops are so to rule their dioceses that they may presume to take away nothing from them by right, but let them procure according to the authority of the earlier councils both concerning the offerings and the third part of the tithe and also the crops. And if it shall have been on record [that] any more is presumed by them, it shall be restored by a council, either by the accusers or by those same founders, or at least by their kinsmen if those persons have already retired from the world. Moreover the founders shall have restored the goods of the basilicas which they give from those same churches, to have no power but according to the canons instituted just as the church and thus the benefice of it [are] to belong to the bishop at his consecration.

XXXVIII Whatever bishop shall have occupied the diocese of another bishop for thirty years without a protest, which according to the rule of law now seems to be his diocese, an action [for the diocese] to be repossessed is not to be admitted against him, but this applies within one province, outside [of which it applies] in no such manner lest, while a diocese is being defended, the boundaries of the provinces are confounded.

³⁶ Council of Tarragona, canon 8.

³⁷ Third Council of Toledo, canon 19.

³⁸ Theodosian Code, I. 4, t. 14, l. 1.

XXXV Sicut diocesem alienam tricennalis possessio tollit, ita territorii conuentum non adimit, ideoque basilicae quae nouae conditae fuerint, ad eum procul dubio episcopum pertinebunt cuius conuentus esse constiterit.

XXXV As a possession for thirty years takes away a diocese belonging to another, even so it does not deprive a community of Christians of a domain, and for that reason the basilicas which shall have been newly built, without a doubt they shall belong to the bishop whose assembly it shall be constituted to be.

XXXVI Episcopum per cunctas dioceses parrociasque suas per singulos annos ire oportet ut exquirat quid unaquaeque basilica in reparationem sui indigeat. Quod si ipse aut languore detentus aut aliis occupationibus implicatus id explere nequiuert, presbyteros probabiles aut diaconos mittat qui et redditus basilicarum et reparationes et ministrantium uitam inquirent.

XXXVI It is proper for the bishop to go through all of his dioceses and parishes each year, so that he may inquire into each and every basilica that requires restoration by him. Since if he is either detained or it is done by him apathetically or involved in other occupations he shall be unable to complete it [the visit], he may send the most worthy priests or deacons and on his behalf let them inquire into the revenues of the basilicas and the repairs and the living of the servants [of the basilicas].

XXXVII Quicumque episcopi suffragio cuiuslibet aliquid ecclesiasticae utilitatis prouiderint et pro id quodcumque modicum in remuneratione promiserint, promissi solutionem eos exsoluere oportebit, ita ut id ad concilium comprouinciale deductum eorum conuentia confirmetur quia,³⁹ sicut Paulus apostolus ait, «Dignus est operarius mercede sua».⁴⁰

XXXVII Any bishops who shall have provided something of whatever they please for the sake of ecclesiastical use and whatever way they shall have promised in remuneration for it, it shall be necessary for them to pay the promised remand, so that it having been brought before a council meeting comprouincially the connivance of them is confirmed since, as the apostle Paul says, "The laborer is worthy of his hire."

XXXVIII Praebendum est a sacerdotibus uitae solacium indigentibus et maxime his quibus restituenda uicissitudo est. Quicumque ergo fidelium de facultatibus suis ecclesiae aliquid deuotione propria

XXXVIII The offering to the priests is the solace of life to the indigent and especially is it to be restored to these for whom [life] is a vicissitude. Thus any of the faithful who have according to their

³⁹ Gratian, Causa 12, question 2, canon 66. [Friedberg]

⁴⁰ I Timothy 5:18.

contulerunt, si forte ipsi aut filii eorum redacti fuerint ad inopiam, ab eadem ecclesia suffragium uitae pro temporis usu percipiant. Si enim clericis uel monachis seu peregrinis aut quamlibet necessitatem sustinentibus pro solo religionis intuitu in usu res ecclesiasticae largiuntur, quanto magis his consulendum est quibus retributione iusta debetur.

skills brought to the church anything by their own devotion, if by chance this same one or the sons of him shall have been reduced to destitution, let them receive the use of the offering for a time from the same church. For if the things they bestow bountifully in ecclesiastical use for supporting clerics or monks or pilgrims or however much were considered a necessity only for the sake of religion, how much more [of a necessity] is it that these men be taken care of to whom in retribution it is justly owed.

XXXVIII Nonnulli diacones in tantam erumpunt superbiam ut sese presbyteris antepontant atque in primo choro ipsi priores stare praesumant, presbyteris in secundo choro constitutis. Ergo ut sublimiores sibi presbyteros agnoscant, tam hi quam illi in utroque choro consistent.

XXXVIII Some deacons sally forth in such pride, that they place themselves before the priests and also those same men presume to stand in front in the first choir, with the priests constituted in the second choir. Thus let them acknowledge that the priests are higher than themselves, let these men [the deacons] as well as those [the priests] stand in both choirs.

XL Oraria duo nec episcopo quidem licere nec presbytero uti; quanto magis diacono, qui minister eorum est? Vnum igitur orarium oportet Leuitam gestare in sinistrum umerum propter quod orat, id est praedicat; dexteram autem partem oportet habere liberam ut expeditus ad ministerium sacerdotale discurrat. Caueant igitur amodo Leuitae geminum uti orarium, sed unum tantum et purum nec ullis coloribus aut auro ornatum.

XL It is indeed unlawful either for the bishop or for the priest to practice with two stoles; how much more so for the deacon, who is the servant of them? Therefore it is proper for the Levite to wear one stole on the left shoulder for the reason that he speaks, that is he preaches; moreover it is fitting to have the right side free, so that he may run about unencumbered to serve sacerdotally. Therefore let Levites beware to practice in a manner with twofold stoles, but only to such a degree and simply not with any outward show or adornment in gold.

XLI Omnes clerici uel lectores sicut Leuitae et sacerdotes, detonso superius toto capite, inferius solam circuli coronam relinquant, non sicut hucusque in

XLI Let all clerics or lectors as well as Levites and priests, totally tonsured above the head, leave only a crown [of hair] in a circle below, not as lectors appear to do in

Galleciae partibus facere lectores uidentur, qui prolixis ut laici comis in solo capitis apice modicum circulum tondunt. Ritus enim iste in Spanias hucusque haereticorum fuit, unde oportet ut pro amputando ecclesiae scandalo hoc signum dedecoris auferatur, et una sit tonsura uel habitus sicut totius Spaniae est usus. Qui autem hoc non custodierit, fidei catholicae reus erit.

far off parts of Galicia, who loving long hair as laypersons do shear only a moderate circle at the very top of the head. Thus that was the rite of the heretics in the Spains up to this day, whence it is fitting in order to amputate a scandal of the church that this symbol of disgrace was taken away, and let there be one tonsure or appearance as is the practice in all of Spain. Whoever moreover shall not maintain this, he shall be the guilty party [in an action] of the catholic faith.

XLII Cum clericis extraneae feminae nullatenus habitent nisi tantum mater et soror, filia uel amita, in quibus personis nihil sceleris aestimari foedus naturae permittit. Id enim et constitutio antiquorum Patrum decreuit.⁴¹

XLII With clerics no extraneous women should dwell unless a mother or sister, daughter or aunt, in whose persons he permits nothing of the pollution of the crimes of nature to be considered. For so the constitution of the ancient Fathers decreed it.

XLIII Quidam clerici legitimum non habentes coniugium extranearum mulierum uel ancillarum suarum interdicta sibi consortia appetunt. Ideoque quaecumque clericis taliter coniunctae sunt, ab episcopo auferantur et uenumduntur, illis pro tempore religatis ad paenitentiam quos sua libidine infecerunt.

XLIII Some clerics not having a legitimate marriage seek of extraneous women or of their slave women the consort forbidden to them. And for that reason any women who have so joined with clerics, shall be taken away by the bishop and sold as slaves, those [clerics] whom they [the women] have infected with their lust relegated to penitence for a time.

XLIIII Clerici qui sine consultu episcopi sui uxores dixerint, aut uiduam uel repudiatam uel meretricem in coniugio acceperint, separari eos a proprio episcopo oportebit.

XLIIII Clerics who without consulting their bishop shall have taken wives, or accepted a widow or a repudiated woman or a prostitute in marriage, it shall be fitting for them to be separated by their own bishop.

XLV Clerici qui in quacumque seditione

XLV Clerics who willingly have or shall

⁴¹ Council of Nicaea, canon 3.

arma uolentes sumpserint aut sumpserunt, reperti amisso ordinis sui gradu in monasterium paenitentiae contradantur.

have taken up arms in any sedition whatsoever, losing the rank of their order let the penitents be given into a monastery.

XLVI Si quis clericus in demoliendis sepulcris fuerit deprehensus, quia facinus hoc pro sacrilegio legibus publicis sanguine uindicatur,⁴² oportet canonibus in tali scelere proditum a clericatus ordine submoueri et paenitentiae triennio deputari.

XLVI If any cleric shall have been caught in the act of destroying sepulchers, since this outrage by sacrilege is vindicated in the public laws with blood, it is fitting in so great a crime to be removed from the clericate by order handed down in the canons and handed over for a three-year period of penitence.

XLVII Praecipiente domno nostro atque excellentissimo Sisenando rege, id constituit sanctum concilium, ut omnes ingenui clerici pro officio religionis ab omni publica indictione atque labore habeantur immunes, ut liberi Deo seruiant nullaue praepediti necessitate ab ecclesiasticis officiis retrahantur.

XLVII With our lord and most excellent king Sisenand commanding, the holy council constitutes it, that all freeborn clerics be held immune by virtue of religious office from every public impost and also labor, so that freed they may serve God and shackled by no necessity may be summoned back to ecclesiastical duties.

XLVIII Eos quos oeconomos Graeci uocant, hoc est qui uice episcoporum res ecclesiasticas tractant, sicut sancta synodus Calcidonensis instituit,⁴³ omnes episcopos de proprio clero ad regendas ecclesias habere oportet. Qui autem deinceps contempserit, obnoxious eiusdem magni concilii erit.

XLVIII Those who the Greeks call bursars, that is those who deal with ecclesiastical affairs on behalf of the bishop, as the holy synod of Chalcedon has instituted, it is fitting for all bishops to have their own clerics to govern the churches. Whoever moreover shall have then disregarded [this], shall be under the obligation of this same great council.

XLVIII Monachum aut paterna deuotio aut propria professio facit. Quicquid horum fuerit, alligatum tenebit. Proinde eis ad mundum reuerti intercludimus aditum et omnem ad saeculum interdicimus regressum.

XLVIII One becomes a monk either by paternal devotion or by his own profession. Whichever of these it shall have been, it will hold him bound. Accordingly we cut off entrance to those returned to the world and we bar every

⁴² Theodosian Code, I. 9, t. 17.

⁴³ Council of Chalcedon, canon 26.

reentry to the world.

L Clerici qui monachorum propositum appetunt, quia meliorem uitam sequi cupiunt, liberos eis ab episcopo in monasteriis largire oportet ingressus nec interdicti propositum eorum qui ad contemplationis desiderium transire nituntur.

L Clerics who seek the vow of the monks, because they long for the contemplative life, it is fitting for those freed by the bishop who have entered into the monasteries to be supported nor is the vow of them to be forbidden who strive for the desire to go over to [a life] of contemplation.

LI Nuntiatum est praesenti concilio eo quod monachi episcopali imperio seruili opere mancipientur et iura monasteriorum contra constituta canonum illicita praesumptione usurpentur,⁴⁴ ita ut paene ex coenobio possessio fiat atque illustris portio Christi ad ignominium seruitutemque perueniat. Quapropter monemus eos qui ecclesiis praesunt ut ultra talia non praesumant, sed hoc tantum sibi in monasteriis uindicent sacerdotes quod praecipiant canones, id est monachos ad conuersationem sanctam praemonere, abbates aliaque officia instituere atque extra regulam facta corrigere. Quod si aliquid in monachis canonibus interdictum praesumpserint aut usurpare quippiam de monasterii rebus tentauerint, non deerit ab illis sententia excommunicationis qui se deinceps nequaquam sustulerint ab illicitis.

LI It is announced by the present council that monks are released by episcopal authority to servile work and the rights of the monasteries are usurped with unlawful presumption against the laws of the canons, that thus he is almost made a possession from [his] cell and even falls from an illustrious part of Christ to ignominy and servitude. On account of which we warn those who are over the churches that they may not assume beyond such, but so many priests themselves arrogate in the monasteries what the canons prescribe, that it is to warn the monks to a holy way of life, to institute the abbots and other offices, and also to correct things done outside the rule. Because if they shall have presumed anything forbidden in the monastic canons or shall have attempted to usurp in any matters concerning the monastery, the sentence of excommunication shall not be absent from those who then shall in no way have removed themselves from unlawful matters.

LII Nonnulli monachorum egredeuntur a monasterio non solum ad saeculum reuertuntur sed etiam et uxores accipiunt. Hi igitur reuocati in eodem monasterio a

LII Some of the monks, leaving the monastery, not only are reverted to the world, but moreover receive wives. Let these therefore recalled to the same

⁴⁴ Council of Lerida, canon 3.

quo exierant, paenitentiae deputentur ibique defleant crimina sua unde decesserunt.

monastery which they left, be reckoned penitents and there from whence they departed let them weep abundantly for their offenses.

LIII Religiosi propriae regionis qui nec inter clericos nec inter monachos habentur, siue ii qui per diuersa loca uagi feruntur, ab episcopis in quorum conuentu commanere noscuntur licentia eorum coerceatur, in clero aut in monasteriis deputati, praeter hii qui ab episcopo suo aut propter aetatem aut propter languorem fuerint absoluti.

LIII The religious of their own region, who neither among the clergy, nor among the monks are held, whether those who through diverse places shall have wandered, by the bishops in whose congregation they are known to have stayed let the license of them be punished, reckoned in the clergy or in the monasteries, except those who on account of their feebleness or their age shall have been absolved by their bishop.

LIII II qui in discrimine constituti paenitentiam accipiunt nulla manifesta scelera confitentes sed tantum peccatores se praedicantes, huiusmodi si reualuerint possunt etiam per morum probitatem ad gradus ecclesiasticos peruenire. Qui uero ita paenitentiam accipiunt ut aliquod mortale peccatum perpetrasse publice fateantur, ad clerum uel honores ecclesiasticos peruenire nullatenus poterunt, quia se confessione propria notauerunt.

LIII Those men who constituted in a risky state receive penance confessing no flagrant crimes but only that they themselves are preachers, if they of this sort shall have recouped again they can also for proof of moral conversion arrive at ecclesiastical positions. Indeed they who receive penance in such a way, so that they may confess some mortal sin perpetrated publicly, they will in no way be able to reach as far as the clerical grades or to ecclesiastical honors, because they have branded themselves by their own confession.

LV Quicumque ex saecularibus accipientes paenitentiam totonderunt et rursus praeuaricantes laici effecti sunt, comprehensi ab episcopo suo ad paenitentiam ex qua recesserant reuocentur. Quod si aliqui per potentiam irreuocabiles sunt nec admoniti reuertuntur, uere ut apostatae coram ecclesia anathematis sententia condemnentur. Non aliter et ii qui detonsi a parentibus fuerint aut sponte sua amissis

LV Whoever among the worldly receiving penance shall have tonsured themselves and again prevaricating are made laypersons, seized by their bishop let them be recalled to the penance from which they departed. Since if any unaltered through penance are not admonished are summoned back, indeed so that apostates before the church they are condemned with the sentence of anathemata. And not otherwise those who have been tonsured

parentibus se ipsos religioni deuouerunt et postea habitum saecularem sumpserunt, et idem a sacerdote comprehensi ad cultum religionis acta prius paenitentia reuocentur. Quod si reuerti non possunt, uere ut apostatae anathematis sententia subiciantur. Quae forma seruabitur etiam in uiduis uirginibusque sacris ac paenitentibus feminis quae sanctimoniale habitum induerunt et postea aut uestem mutauerunt aut ad nuptias transierunt.

by their parents, or by themselves lacking parents, shall have devoted themselves to religion and later taken up a worldly habit, and the same seized by a priest are recalled to the cult of religion prior to the penitential acts. Since if they cannot be changed, indeed let them as apostates be placed under sentence of anathema. Which form [of discipline] is also observed in widows and sacred virgins and also penitent women who have assumed a religious habit and later either shall have either changed [their] dress or crossed over to marriage.

LVI Duo sunt genera uiduarum, saeculares et sanctimoniales. Saeculares uiduae sunt quae adhuc disponentes nubere laicale habitum non deposuerunt; sanctimoniales sunt quae iam mutato habitu saeculari sub religioso cultu in conspectu sacerdotis uel ecclesiae apparuerint. Eae si ad nuptias transierint, iuxta Apostolum non sine damnatione erunt, quia se primum Deo uouentes postea castitatis propositum abiecerunt.

LVI There are two kinds of widows, secular and religious. Secular widows are those who hitherto disposed to marry as laypersons have not assumed a habit; religious widows are those who now changing the secular appearance prepared [themselves] within the religious cult in the sight of the priest or of the church. Those if they shall cross over to marriage, according to the Apostle shall not be without damnation, since vowing themselves first to God they have later given up the vow of chastity.

LVII De Iudaeis autem hoc praecepit sancta synodus, nemini deinceps ad credendum uim inferre. Cui enim uult Deus miseretur et quem uult indurat.⁴⁵ Non enim tales inuiti saluandi sunt, sed uolentes, ut integra sit forma iustitiae. Sicut enim homo proprii arbitrii uoluntate serpenti oboediens periit, sic uocante gratia Dei propriae mentis conuersione homo quisque credendo saluatur. Ergo non ui sed libera arbitrii facultate ut conuertantur suadendi sunt, non potius

LVII Concerning the Jews moreover this holy synod prescribes that no one be brought to believe by force. For whoever God wills is pitied and whom he hardens the heart of endures. For such as are invited are not to be saved, but the willing, so that the form of justice is whole. For as humanity obeying the serpent perished by its own will, thus with the grace of God calling, every man is saved by believing in the conversion of his own mind. Therefore not by force but

⁴⁵Romans 9:18.

impellendi. Qui autem iam pridem ad Christianitatem uenire coacti sunt, sicut factum est temporibus religiosissimi principis Sisebuti, quia iam constat eos sacramentis diuinis associatos et baptismi gratiam suscepisse et chrismate unctos esse et corporis Domini et sanguinis exstitisse participes, oportet ut fidem etiam quam ui uel necessitate susceperunt, tenere cogantur ne nomen Domini blasphemetur et fidem quam susceperunt uilis ac contemptibilis habeatur.

by the faculty of will freely exercised so that they having given their consent are persuaded, it ought not rather be possible for them to be compelled [to faith]. But whoever now before was forced to come to Christianity, as has been done in the times of the most religious prince Sisebut, because it is already established for them to be associated by the divine sacraments, and to have received the grace of baptism, and they having been anointed with the chrism, and to have been visible participants in the body and blood of the Lord, it is necessary also to the faith which they accepted by force or necessity that they are forced to hold it lest the name of the Lord be blasphemed and the faith which they accepted be held evil or contemptible.

LVIII Tanta est quorundam cupiditas ut quidam eam appetentes, iuxta quod ait Apostolus, «etiam a fide errauerint»;⁴⁶ multi quippe hucusque ex sacerdotibus atque laicis accipientes a Iudaeis munera perfidiam eorum patrocínio suo fouebant, qui non immerito ex corpore Antichristi esse noscuntur, quia contra Christum faciunt. Quicumque igitur deinceps episcopus siue clericus siue saecularis illis contra fidem Christianam suffragium uel munere uel fauore praestiterit, uere ut profanus et sacrilegus anathema effectus ab ecclesia catholica et regno Dei efficiatur extraneus, quia dignum est ut a corpore Christi separetur qui inimicis Christi patronus efficitur.

LVIII Such is the cupidity of certain ones that they in fact seek that, about which the Apostle said, "Indeed they have wandered from the faith;" in as much as many of these from among the priests and also the laity accepting bribes from the Jews, with their [Christian] patronage have cherished the perfidy of them [the Jews], who are known not without cause to be from the body of the Antichrist, because they act against Christ. And whoever therefore whether he be bishop or cleric or layperson shall have offered support by gift or favor to those secular persons against the Christian faith, so that the profane and the sacriligious becomes anathema by the catholic church he is thus made an outcast from the kingdom of God, because it is worthy that whoever is made the patron of the enemies of Christ be separated from the body of Christ.

⁴⁶ I Timothy 6:10.

LVIII Plerique qui ex Iudaeis dudum ad Christianam fidem promoti sunt, nunc blasphemantes in Christo non solum Iudaicos ritus perpetrasse noscuntur, sed etiam et abominandas circumcisiones exercere praesumpserunt. De quibus consultu piissimi ac religiosissimi domni nostri Sisenandi regis hoc sanctum decreuit concilium, ut huiusmodi transgressores pontificali auctoritate correcti ad cultum Christiani dogmatis reuocentur, ut quos uoluntas propria non emendat, animaduersio sacerdotalis coerceat. Eos autem quos circumciderunt, si filii eorum sunt, a parentum consortio separentur; si serui, pro iniuria corporis sui libertati tradantur.

LX Iudaeorum filios uel filias, ne parentum ultra inuoluantur erroribus, ab eorum consortio separari decernimus deputatos aut monasteriis aut Christianis uiris ac mulieribus Deum timentibus, ut sub eorum conuersatione cultum fidei discant atque in melius instituti tam in moribus quam in fide proficiant.

LXI Iudaei baptizati si postea praeuaricantes in Christum qualibet poena damnati exstiterint, a rebus eorum fideles filios excludi non oportebit quia, ut scriptum est, «Filius non portabit iniquitatem patri».⁴⁷

LVIII And many more who formerly advanced from the Jews to the Christian faith, now blaspheming against Christ, not only are known to perform Jewish rites, but also have presumed to practice abominating circumcisions. Concerning which by the edict of the most pious and also religious prince Sisenand, this holy council decrees that transgressors of this kind chastened by pontifical authority are to be recalled to the cult of the dogma of Christ, so that those whom their own will does not correct, episcopal punishment should coerce. Moreover whoever shall have been circumcised, if they are the sons of them, let them be separated from the association of their parents; if servants, for reason of injury to their body, let them be handed over to liberty.

LX The sons or daughters of Jews, lest they be involved in the errors of the parents further, we decree they be separated from the association of them sent away either into the monasteries or to God-fearing Christian men and women, so that beneath the daily life of them they may learn the cult of the faith and also trained to the better, they may make progress as much in character as in faith.

LXI Baptized Jews, if afterward prevaricating against Christ no matter that the punishments shall be on record as damned, it shall not be proper for the faithful children of them to be excluded from public affairs, because it is written, "Son you shall not bear the iniquity of [your] father."

⁴⁷ Ezekiel 18:20.

LXII Saepe malorum consortia etiam bonos corrumpunt;⁴⁸ quanto magis eos qui ad uitia proni sunt. Nulla igitur ultra communio sit hebraeis ad fidem Christianam translatis cum his qui adhuc in ueteri ritu consistunt, ne forte eorum participio subuertantur. Quicumque igitur amodo ex his qui baptizati sunt, infidelium consortia non uitauerint, et hi Christianis donentur et illi publicis caedibus deputentur.

LXIII Iudaei qui Christianas mulieres in coniugio habent, admoneantur ab episcopo ciuitatis ipsius ut, si cum eis permanere cupiunt, Christiani efficiantur. Quod si admoniti noluerint, separentur, quia non potest infidelis in eius permanere coniunctionem quae iam in Christianam translata est fidem. Filii autem qui ex talibus nati existunt, fidem atque condicionem matris sequantur. Similiter et ii qui procreati sunt de infidelibus mulieribus et fidelibus uiris, Christianam sequantur religionem, non Iudaicam superstitionem.

LXIII Non potest erga homines esse fidelis qui Deo exstiterit infidus. Iudaei ergo qui dudum Christiani effecti sunt et nunc in Christi fidem praeuaricati sunt, ad testimonium dicendum admitti non debent quamvis esse Christianos annuntient, quia

LXII Moreover often the fellowships of evil men corrupt the good; how much more do they corrupt those who are prone to vice. Therefore let the Hebrews converted to the Christian faith be in no further communion with these who still participate together in the ancient rite, lest sharing the participation of them they might be subverted. Whoever, therefore, among these who are baptized shall not in any way have avoided the consort of infidels, these are to be given up by Christians and those persons handed over for public flogging.

LXIII Jews who hold Christian women in marriage, let them be admonished by the bishop of their very own city so that, if they desire to remain any length of time with them, they must be made Christians. If it is that the admonished are unwilling, they should be separated, because it is not possible for the unfaithful one to remain in a marriage which has already crossed into the [jurisdiction of] the Christian faith. Moreover the children who prove to be born from such marriages should follow the faith and also the condition of the mother. And similarly those who have been born from unfaithful women and faithful [Christian] men, let them follow the Christian religion, not the Judaic superstition.

LXIII It is not possible for men to be faithful [in other matters] who have been on record as unfaithful to God. Thus Jews who have been made Christians formerly, and now have prevaricated in the faith of Christ, ought not to be admitted to give

⁴⁸ Allusion to I Corinthians 15:33.

sicut in fide Christi suspecti sunt, ita et in testimonio humano dubii habentur. Infirmari ergo oportet eorum testimonium qui in fide falsi docentur, nec eis esse credendum qui ueritatis a se fidem abiciunt.

testimony although they announce themselves to be Christians, because as they are suspected in the faith of Christ, so in human testimony they are held unworthy. Thus it is necessary for their testimony to be revoked, those false ones who are educated in faith, nor are they to be believed who have cast themselves aside from the faith of truth.

LXV Praecipiente domino atque excellentissimo Sisenando rege, id constituit sanctum concilium, ut Iudaei aut ii qui ex Iudaeis sunt, officia publica nullatenus appetant, quia sub hac occasione Christianis iniuriam faciunt. Ideoque iudices prouinciarum cum sacerdotibus eorum subreptiones fraudulenter elicitas suspendant, et officia publica eos agere non permittant. Si quis autem iudicium hoc permiserit, uelut in sacrilegum excommunicatio proferatur, et is qui subrepserit publicis caedibus deputetur.

LXV With the lord and also most excellent king Sisenand prescribing, the holy council constituted this, that Jews or those who descend from them, in no way seek public offices, because beneath the cover of this opportunity they do injury to Christians. And so for that reason let the magistrates of the provinces together with the priests impede their fraudulently enticed infiltrations, and not permit them to perform public duties. If any of the judges moreover may have consented to this, as if in a sacrilege let excommunication be brought [against him], and that one who has been found be handed over for public flogging.

LXVI Ex decreto gloriosissimi principis hoc sanctum elegit concilium ut Iudaeis non liceat Christianos seruos habere, nec Christiana mancipia emere, nec cuiusquam consequi largitate. Nefas est enim ut membra Christi seruiant Antichristi ministris. Quod si deinceps seruos Christianos uel ancillas Iudaei habere praesumpserint, sublatis ab eorum dominatu libertatem a principe consequantur.

LXVI By the decree of the most glorious prince this most holy council establishes that it is not permitted for Jews to have Christian servants, nor to buy a Christian slave woman, nor to procure such of them by largesse. For it is a sin that members of Christ should serve the servants of the Antichrist. And if afterward Jews shall have presumed to have male Christian servants or slave women, raised from the control of them they shall procure liberty from the prince.

LXVII Et si qui nulla ex rebus suis pauperibus Christi distribuunt, aeterni iudicis uoce in futurum

LXVII And if it is certain that some who distribute nothing to the poor from their own resources, are condemned in the

condemnabuntur,⁴⁹ quanto magis ii qui auferunt pauperibus quod non dederunt. Quapropter episcopi qui nihil ex proprio suo ecclesiae Christi compensauerunt, hanc diuinam sententiam metuant, et liberos ex familiis ecclesiae ad condemnationem suam facere non praesumant. Impium est enim ut qui res suas ecclesiae Christi non contulit, damnum inferat et ius ecclesiae alienare intendant. Tales igitur liberos successor episcopus absque aliqua oppositione ad ius ecclesiae reuocabit, quia eos non aequitas sed improbitas absoluit.

future life by the eternal voice of the judges, how much more [then] those men [are to be condemned] who take away from the poor what they have not given. Wherefore, bishops who have donated nothing from their own resources to the churches of Christ, let them fear the divine sentence, and let them not to their condemnation presume to make freedmen from among the slaves of the church. For it is a wicked thing that someone of the church of Christ who has not contributed his own belongings, causes injury and intends to alienate the property of the church. Therefore such freedmen the successor bishop shall recall from any objection to the property of the church, because not equity but shamelessness has freed them.

LXVIII Episcopus qui mancipium iuris ecclesiae non retento ecclesiastico patrocinio manumitti desiderat, duo meriti eiusdem et peculii coram concilio ecclesiae cui praeminet per commutationem subscribentibus sacerdotibus offerat, ut rata et iusta inueniatur definitio commutantis. Tunc enim liberam manumissionem sine patrocinio ecclesiae concedere poterit, quia eum quem libertati tradere disponit iam iuri proprio acquisiuit. Huiusmodi autem liberto aduersus ecclesiam cuius iuris exstitit, accusandi uel testificandi denegetur licentia. Quod si praesumpserit, placet ut stante commutatione in seruitutem propriae ecclesiae reuocetur, quam nocere conatur.

LXVIII The bishop who desires to free a slave of the authority of the church without retaining ecclesiastical patrimony [over him], let him offer two of the same worth and monetary value before a council of the church for whose commutation let him exchange with all the priests approving in writing, so that the determination of commutation is found to be valid and just. For only then will it be possible to concede responsible conveyance without the patronage of the church, because he who arranged to hand over [property] into a conveyance has already acquired [it] as his private property. Moreover this same freed man is denied permission to accuse or testify against the church in whose authority he stands. And if he shall presume [to do so], it is resolved that standing in exchange [for it] he shall be recalled into

⁴⁹ Matthew 25:42,45.

the servitude of his own church, which he has tried to injure.

LXVIII Consensus totius concilii definiuit ut sacerdotes qui aut res suas ecclesiae relinquunt aut nihil habentes aliqua tamen praedia aut familias ecclesiis suis conquirunt, licebit illis aliquos de familiis eiusdem ecclesiae manumittere iuxta rei collatae modum quem antiqui canones decreuerunt,⁵⁰ ita ut cum peculio et posteritate sua ingenui sub patrocínio ecclesiae maneant, utilitates iniunctas sibi iuxta quod potuerint prosequentes.

LXVIII The consensus of the whole council establishes that priests of the church who either relinquish their belongings or having nothing nevertheless take into their possession any booty or slaves for their churches, it shall be best for them to manumit some from among the slaves of their own churches according to the state of affairs which the ancient canons have decreed, so that the freeborn person may remain with his property and his posterity under the patronage of the church, continuing in service according to what they can do.

LXX Liberti ecclesiae, quia nunquam moritur eorum patrona, a patrocínio eiusdem nunquam discedant, nec posteritas quidem eorum, sicut priores canones decreuerunt.⁵¹ Ac ne forte libertas eorum in futura prole non pateat ipsaque posteritas naturali ingenuitate obnitens sese ab ecclesiae patrocínio subtrahat, necesse est ut tam idem liberti quam ab eis progeniti professionem episcopo suo faciant per quam se ex familia ecclesiae liberos effectos esse fateantur, eiusque patrocínium non relinquunt, sed iuxta uirtutem suam obsequium ei uel oboedientiam praebeant.

LXX The freedmen of the church, since the patroness of them never dies, never depart from her same patronage, nor even the posterity of them as the previous canons have decreed. And lest by chance the freedom of them may never extend in a future descendant and this posterity struggling against the freeborn state removes himself from the patronage of the church, it is essential that these same freedmen as their descendants make a profession to their bishop through whom they should admit themselves to have been made freedmen from the slaves of the church, and let them not depart from the patronage of her, but let them according to their own virtue present service and obedience to her.

LXXI Liberti ecclesiae qui a patrocínio eius discedentes quibuslibet personis adhaeserunt, si admoniti redire

LXXI Freedmen of the church who departing from the patronage of her have attached [themselves] to any persons

⁵⁰ First Council of Seville, canons 1 and 2; Third Council of Toledo, canon 6.

⁵¹ Third Council of Toledo, canon 6.

contempserint, manumissio eorum irrita sit, quia per inoboedientiae contemptu ingrati actio tenentur.

whatsoever, warned to return if they shall scorn [to do so], let the manumission of them be void, since the ungrateful through inobedience are held contemptible in their action.

LXXII Liberti qui a quibuscumque manumissi sunt atque ecclesiae patrocinio commendati existunt, sicut regulae antiquorum Patrum constituerunt,⁵² sacerdotali defensione a cuiuslibet insolentia protegantur siue in statu libertatis eorum seu in peculio quod habere noscuntur.

LXXII Freedmen manumitted by anyone whomsoever who are also commended to the patronage of the church, as the rules of the ancient Fathers have constituted, let them be protected by episcopal defense from the insolences of anyone whether they are known to be in the condition of their freedom or what they hold in property.

LXXIII Quicumque libertatem a dominis suis ita percipiunt ut nullum sibimet in eis obsequium patronus retinet, isti si sine crimine sunt ad clericatus ordinem libere suscipiuntur, quia directa manumissione absoluti noscuntur. Qui uero retento obsequio manumissi sunt, pro eo quod adhuc a patrono seruitute tenentur obnoxii, nullatenus sunt ad ecclesiasticum ordinem promouendi, ne, quando uoluerint eorum domini, fiant ex clericis serui.

LXXIII Whoever has received freedom from his master so that the patron retains no service to himself, these same men if they are without reproach are freely adopted into the order of the clericate, because they are known by have been freed by direct manumission. Indeed those remaining in service who are manumitted, because they are still held accountable in servitude to a patron, are in no way to be promoted to ecclesiastical rank. Lest when the masters of them wish, they may make slaves out of clerics.

LXXIII De familiis ecclesiae constituere presbyteres et diacones per parrochias liceat, quos tamen uitae rectitudo et probitas morum commendat, ea tamen ratione, ut antea manumissi libertatem status sui percipiant et denuo ad ecclesiasticos honores succedant. Irreligiosum est enim obligatos existere seruitute qui sacri ordinis suscipiunt dignitatem. Quicquid autem talibus aut per libertatem concessum aut successione

LXIII It is lawful to appoint priests and deacons throughout the parishes from among the slaves of the church, whom rectitude of life and probity of character recommends, for reason that, before this the manumitted persons may ascertain the liberty of their positions and may succeed finally to the ecclesiastical honors. For it is irreligious for those so bound by oath [to the church] to appear to be in servitude, who receive the dignity of holy

⁵² Third Council of Toledo, canon 6.

exstiterit debitum aut a quolibet quoquo modo collatum, non licebit eis quippiam inde in extraneas personas transmittere, sed omnia ad ius ecclesiae a qua manumissi sunt, post eorum obitum pertinere. His quoque sicut et ceteris ecclesiae libertis accusandi uel testificandi aduersus ecclesiam aditus intercluditur. Quod si aspirauerint, non solum libertatis beneficium careant, sed etiam honoris gradum, quem non dignitate naturae sed temporis necessitate promeruerunt.

orders. Moreover such a debt whatsoever whether on account of liberty granted or upon succession [to ecclesiastical orders] shall be on record or paid in whatever manner, it shall not be permitted to transmit any of them thence to outside persons, but all according to the law of the church from which they are manumitted, are to belong after the death of them. For these men also, as for other freedmen of the church the opportunity for accusing or testifying against the church is forbidden. Since if they aspire [to do so], let them lose not only the benefit of liberty, but also the honors of rank [in the church], which they have gained, not by worthiness of character but from the necessity of the times.

LXXV Post instituta quaedam ecclesiastici ordinis uel decreta quae ad quorundam pertinent disciplinam, postrema nobis cunctis sacerdotibus sententia est pro robore nostrorum regum et stabilitate gentis Gotorum pontificale ultimum sub Deo iudice ferre decretum.

LXXV After certain ecclesiastical orders or decrees instituted which pertain to the discipline of certain ones, the last decision from all us bishops, to reinforce our kings and the stability of the nation of the Goths is the ultimate decree under pontifical judgment before God.

Multarum quippe gentium, ut fama est, tanta exstat perfidia animorum ut fidem sacramento promissam regibus suis seruare contemnant et ore simulent iuramenti professionem dum retineant mente perfidiae impietatem. Iurant enim regibus suis et fidem quam pollicentur praeuaricant nec metuunt uolumen illud iudicii Dei per quo inducitur maledictio multaue poenarum comminatio super eos qui iurant in nomine Dei mendaciter.⁵³ Quae igitur spes talibus populis contra hostes laborantibus erit? Quae fides ultra cum aliis gentibus in pace credenda?

As it is rumored of many nations, such perfidy of character exists that they despise to observe as a faith by oath promised to their kings and pretend by mouth a profession by sworn oath while retaining in the mind the impiety of perfidy. For they swear to their kings and [then] prevaricate [concerning] the faith which they promised, and do not fear that book of the judgment of God by which many a curse and threat of punishments is heaped upon those who mendaciously swear in the name of God. What hope shall there be therefore for such peoples

⁵³ Zachariah 5:1-4.

Quod foedus non uiolandum? Quae in hostibus iurata sponsio permanebit quando nec ipsis propriis regibus iuratam fidem conseruant? Quis enim adeo furiosus est qui caput suum manu propria desecet? Illi, ut notum est, immemores salutis suae propria manu se ipsos interimunt, in semetipsos suosque reges proprias conuertendo uires. Et dum Dominus dicat: «Nolite tangere christos meos»,⁵⁴ et Dauid: «Quis, inquit, extendet manum suam in christum Domini et innocens erit?»⁵⁵ illis nec uitare metus est periurium nec regibus suis inferre exitium. Hostibus quippe fides pacti datur nec uiolatur; quod si in bello fides ualet, quanto magis in suis seruanda est? Sacrilegium quippe esse si uioletur a gentibus regum suorum promissa fides, quia non solum in eis fit pacti transgressio, sed et in Deum quidem, in cuius nomine pollicetur ipsa promissio. Inde est quod multa regna terrarum caelestis iracundia ita permutauit ut per impietatem fidei et morum alterum ab altero solueretur. Vnde et nos cauere oportet casum huiusmodi gentium ne similiter plaga feriamur praecipiti et poena puniamur crudeli.

laboring against enemies? What further promises are to be believed in [keeping] the peace with other nations? What treaty is not violated? What solemn promise sworn to enemies shall remain when they cannot keep the faith sworn to their own kings? For who is so insane as to cut off his head with his own hand? Those men, as is known, unmindful of their own salvation murder themselves by their own hand, in turning their resources against themselves and against their own kings. And while the Lord has said: “Touch not my anointed,” and David: “Who shall extend his hand against the anointed of the Lord and be innocent?”, for those it is not perjury to avoid fear nor to bring death upon their kings. Certainly to enemies a promise given in a compact is not violated; since if in war a promise has value, how much more is it to be guarded in their [promises] to their own [kings]? It is certain to be a sacrilege if the protection of their kings promised by peoples is violated, because not only is it a transgression against the compact with them, but also against God, in whose name the same promise was promised. And whence it is that the irascibility of the heavens has overturned many kingdoms of the earth in such a way that through the impiety of their faith and of their customs one has been destroyed by another. And thus it is necessary for us to stipulate in writing the error of the nations lest we are similarly destroyed with a blow of this same sort and are punished with such a cruel penalty.

⁵⁴ Psalms 104:15.

⁵⁵ 1 Samuel 26:9.

Si enim Deus angelis in se praeuaricantibus non pepercit, qui per inoboedientiam caeleste habitaculum perdiderunt,⁵⁶ unde et per Esaiam dicit: «Inebriatus est gladius meus in caelo»,⁵⁷ quanto magis nos nostrae salutis interitum timere debemus, ne per infidelitatem eodem saeuientis Dei gladio pereamus? Quod si diuinam iracundiam uitare uolumus et seueritatem eius ad clementiam prouocare cupimus, seruemus erga Deum religionis cultum atque timorem, custodiamus erga principes nostros pollicitam fidem atque sponsionem. Non sit in nobis sicut in quibusdam gentibus infidelitatis subtilitas impia, non subdola mentis perfidia, non periurii nefas, nec coniurationum nefanda molimina. Nullus apud nos praesumptione regnum arripiat, nullus excitet mutuas seditiones ciuium, nemo meditetur interitus regum, sed defuncto in pace principe primatus totius gentis cum sacerdotibus successorem regni consilio communi constituent, ut dum unitatis concordia a nobis retinetur, nullum patriae gentisque discidium per uim atque ambitum oriatur.

Quod si haec admonitio mentes nostras non corrigit et ad salutem communem cor nostrum nequaquam perducit, audite sententiam nostram: Quicumque igitur a nobis uel totius Spaniae populis qualibet coniuratione uel studio sacramentum fidei suae, quod pro patriae gentisque Gotorum statu uel conseruatione regiae salutis pollicitus est, temerauerit, aut regem nece

For if God himself did not pardon the angels for prevaricating, who through disobedience lost the heavenly kingdom, and wherefore Isaiah says: “For my sword shall be drunk in heaven,” how much greater ought we to fear the destruction of our well-being, lest we perish by the same sword of a raging God for the same infidelity? For if we wish to avoid the divine passion and we desire to provoke the severity of him to clemency, let us preserve toward God the cult of religion and also fear, let us maintain toward our princes the promised faith and also solemn promise. The wicked subtlety of infidelity is not in us as it is in certain peoples, nor the treacherous perfidy of the mind, nor the sin of perjury, nor the wicked intrigues of conspiracy. Let none among us seize the throne with presumption, let none arouse the civil discords of the citizens, let no violent death of kings be devised, but with the prince dying in peace the nobility of the whole people along with the priests designate with common accord the successor to the throne, so that the concord of unity is retained by us, [and] no discord of the fatherland or of the people arises through force or ambition.

For if this admonition does not correct our minds and by no means leads our hearts to a common wellbeing, hear our sentence: Whoever therefore from among us or the people wherever one likes of the whole of the Spains with conspiracy or zeal shall have violated the oath of his loyalty that was promised for the country and the wellbeing of the people of the Goths or

⁵⁶ II Peter 2:4.

⁵⁷ Isaiah 34:5.

attractauerit aut potestate regni exuerit, aut praesumptione tyrannica regni fastigium usurpauerit, anathema sit in conspectu Dei Patris et angelorum atque ab ecclesia catholica, quam periurio profanauerit, efficiatur extraneus et ab omni coetu Christianorum alienus cum omnibus impietatis suae sociis, quia oportet ut una poena teneat obnoxios quos similis error inuenerit implicatos.

for the conservation of the wellbeing of the kings, has either drawn the king to death or has stripped the authority of kingship or has usurped with tyrannical presumption the dignity of the monarchy, let him be anathema in the sight of God the Father and of the angels, and from the catholic church, which he shall also have profaned by perjury, let him be made an outcast and from every assembly of Christians an exile with all the impieties of his associates, because it is fitting that one punishment should hold the guilty ones implicated in the selfsame error.

Quod iterum secundo replicamus dicentes: Quicumque amodo ex nobis uel cunctis Spaniae populis quolibet tractatu uel studio sacramentum fidei suae, quod pro patriae gentisque Gotorum statu uel conseruatione regiae salutis pollicitus est, uiolauerit, aut regem nece attractauerit aut potestate regni exuerit, aut praesumptione tyrannica regni fastigium usurpauerit, anathema in conspectu Christi et apostolorum eius sit atque ab ecclesia catholica, quam periurio profanauerit, efficiatur extraneus et ab omni consortio Christianorum alienus, et damnatus in futuro Dei iudicio habeatur cum comparticipibus suis, quia dignum est qui talibus sociantur, ipsi etiam damnationis eorum participatione obnoxii teneantur.

Wherein we turn back to repeat this a second time saying: Whoever in any way from among us or any of the people of the Spains by manipulation or zeal shall have violated the oath of his loyalty that was promised for the country and the wellbeing of the people of the Goths or for the conservation of the wellbeing of the kings, has either drawn the king to death or has stripped the authority of kingship, or has usurped with tyrannical presumption the dignity of the monarchy, let him be anathema in the sight of Christ and of his apostles, and from the catholic church, which he shall also have profaned by perjury, let him be made an outcast and from every association of Christians an exile, and damned in the future judgment of God let him be held with his fellow participants, because it is proper that they who are so associated also be held accountable for their participation with the very same damnation.

Hoc etiam tertio acclamamus dicentes: Quicumque amodo ex nobis uel cunctis Spaniae populis qualibet meditatione uel studio sacramentum fidei suae, quod pro

Moreover we acclaim this a third time saying: Whoever in whatever way from among us or every one of the people of the Spains with intention or zeal shall

patriae salute gentisque Gotorum statu uel incolomitate regiae potestatis pollicitus est, uiolauerit, aut regem nece attractauerit aut potestate regni exuerit, aut praesumptione tyrannica regni fastigium usurpauerit, anathema sit in conspectus Spiritus Sancti et martyrum Christi atque ab ecclesia catholica, quam periurio profanauerit, efficiatur extraneus et ab omni communione Christianorum alienus, neque partem iustorum habeat sed cum diabolo et angelis eius aeternis suppliciis condemnetur una cum eis qui eadem coniuratione nituntur, ut par poena perditionis constringat quod in perniciie praua societas copulat.

have violated the oath of his loyalty, that was promised for the country and the wellbeing of the people of the Goths or for the conservation of the wellbeing of the kings, has either drawn the king to death or has stripped authority of kingship, or has usurped with tyrannical presumption the dignity of the monarchy, let him be anathema in the sight of the Holy Spirit and of the martyrs of Christ and also by the catholic church, which he shall have profaned by perjury, let him be made an outcast and from every communion of Christians an exile, and let him have no share among the just but with the devil and his angels he is condemned to eternal supplications along with those who strive in the same conspiracy, so that the just penalty of perdition binds fast the partnership that copulates in pernicious depravity.

Et ideo si placet omnibus qui adestis haec tertio reiterata sententia, uestrae uocis eam consensu firmate.

And therefore to the extent that it is pleasing to all that this judgment was reiterated thrice to you, confirm it with the consent of your voices.

Ab uniuerso clero uel populo dictum est: Qui contra hanc uestram definitionem praesumpserit, anathema maranatha,⁵⁸ hoc est perditio in aduentum Domini sit et cum Iuda Scarioth partem habeat et ipsi et socii eorum. Amen.

By every cleric and the people it was said: Whoever shall presume against this our judgment, anathema maranatha, that is, let him be in perdition until the coming of the Lord and let him share in it with Judas Iscariot and their associates. Amen.

Quapropter nos ipsi sacerdotes omnem ecclesiam Christi ac populum admonemus ut haec tremenda et totiens iterata sententia nullum ex nobis praesenti atque aeterno condemnet iudicio, sed fidem promissam erga gloriosissimum domnum nostrum Sisenandum regem custodientes

For that very reason we the priests admonish the whole church of Christ and the people that these greatest and so often repeated judgments nothing among us present and also in the eternal judgment condemns, but guarding the promised loyalty toward our most glorious lord king

⁵⁸ I Corinthians 16:22.

ac sincera illi deuotione famulantes, non solum diuinae pietatis clementiam in nobis prouocemus sed etiam gratiam antefati principis percipere mereamur.

Sisenand and also attending to him with sincere devotion, not only the mercy of divine piety do we call forth in us but also the thanks we are obligated to take to the aforesaid princes.

Te quoque praesentem regem futurosque aetatum sequentium principes humilitate qua debemus deposcimus ut moderati et mites erga subiectos existentes cum iustitia et pietate populos a Deo uobis creditos regatis, bonamque uicissitudinem, qui uos constituit, largitori Christo respondeatis regnantes in humilitate cordis cum studio bonae actionis, nec quisquam uestrum solus in causis capitum aut rerum sententiam ferat, sed consensu publico cum rectoribus ex iudicio manifesto delinquentium culpa patescat, seruata uobis inoffensis mansuetudine ut non seueritate magis in illis quam indulgentia polleatis, ut dum omnia haec auctore Deo pio a uobis moderamine conseruantur, et reges in populis et populi in regibus et Deus in utrisque laetetur.

You also the present king and future princes of the following ages with the humility which we owe we earnestly ask that you rule moderately and gently the existing subjects with justice and piety toward the people entrusted to you by God, and the good interchange, which constitutes you, made greater in Christ may you respond reigning in humility of heart with the zeal of good action, neither should anyone alone bring judgment in your causes capital or civil, but by public consent with the authorities in open court let him make clear the blame of delinquent persons, having guarded us in offenses more with mildness than with severity toward those to whom you promise indulgence, so that all these things which with authority from God are conserved by you with pious moderation, and the kings in the people and the people in the kings and God is made joyous in both.

Sane de futuris regibus hanc sententiam promulgamus, ut si quisque ex eis contra reuerentiam legum superba dominatione et fastu regio in flagitiis et facinora siue cupiditate crudelissimam potestatem in populis exercuerit, anathematis sententia a Christo Domino condemnetur et habeat a Deo separationem atque iudicium propter quod praesumperit praua agere et in perniciem regnum conuertere.

Certainly concerning future kings we promulgate this determination, that if any among them shall against the reverence of the laws exercise a cruel domination and in the courts in crimes and scandals a cruel power in his cupidity toward the people, let him be condemned with the sentence of anathema by Christ the Lord and let him have separation from God and also the judgment for the reason that he shall have presumed to do depravities and to convert the kingdom in perniciousness.

De Suinthilane uero, qui scelera propria metuens se ipsum regno priuauit et potestatis fascibus exuit, id cum gentis consultu decreuimus, ut neque eundem uel uxorem eius propter mala quae commiserunt, neque filios eorum unitati nostrae unquam consociemus, nec eos ad honores a quibus ob iniquitatem deiecti sunt, aliquando promoueamus; quique etiam sicut fastigio regni habentur extranei, ita et a possessione rerum quas de miserorum sumptibus hauserant, maneant alieni praeter in id quod pietate piissimi principis nostri fuerint consecuti. Non aliter et Geilanem, memorati Suinthilani et sanguine et scelere fratrem, qui nec in germanitatis foedere stabilis exstitit nec fidem gloriosissimo domino nostro pollicitam conseruauit, hunc igitur cum coniuge sua, sicut et antefatos, a societate gentis atque consortio nostro placuit separari nec in amissis facultatibus, in quibus per iniquitatem creuerant, reduces fieri praeter in id quod consecuti fuerint pietate clementissimi principis nostri, cuius gratia et bonos donorum praemiis ditat et malos a beneficentia sua non separat.

Gloria autem et honor omnipotenti Deo nostro, in cuius nomine congregati sumus. Post haec pax, salus et diuturnitas piissimo et amatori Christi domino nostro Sisenando regi, cuius deuotio nos ad hoc decretum salutiferum conuocauit; corroboret Christi gloria regnum illius gentisque Gotorum in fide catholica; annis et meritiis protegat illum usque ad

Concerning Suintila indeed, who fearing his own sins deprived himself of his own kingdom and deprived of the offices of power, we decree it with the agreement of the people, that neither he nor his wife on account of the evil deeds which they have committed, let us unite lest the children of them ever be in the single entity of us, nor should we promote them to any honors from which they have been removed through iniquity; and also as they who have been held as outcasts from the dignity of rule, and thus by the possession of things which they have drained by exactions against the unfortunate, let them remain outcasts except in what was obtained with piety by our most pious prince. And not otherwise Geilanus, remembered with Suintila and his brother in blood and crime, who showed himself neither in the constant compact of brotherhood nor maintained the loyalty promised to our most glorious lord, this man therefore with his wife, like the aforesaid, it is pleasing [that they] be separated from the society of the people and also our association nor in lost goods, which they gained advantage through iniquity, to be returned except in that it was obtained with piety by our most merciful prince, whose grace enriches the good with rewards and does not separate the evil from his beneficence.

Moreover glory and honor to our omnipotent God, in whose name we are gathered together. After this peace, health and long life to the most pious and beloved of Christ our lord king Sisenand, whose devotion we to this health-giving decree call together; the glory of Christ affirms the kingdom of him and of the nation of the Goths in the catholic faith;

ultimam senectutem summi Dei gratia, et post praesentis regni gloriam ad aeternum regnum transeat ut sine fine regnet qui intra saeculum feliciter imperat, ipso praestante qui est rex regum et Dominus dominorum⁵⁹ cum Patre et Spiritu Sancto in saecula saeculorum. Amen.

may it protect him in years and rewards until the greatest old age by the grace of the highest God, and after the present reign may he cross over in glory to the eternal kingdom so that without end he may reign who governs happily between the ages, with that same excellent one who is King of kings and Lord of lords with the Father and the Holy Spirit forever and ever. Amen.

Definitis itaque his quae superius comprehensa sunt, annuente religiosissimo principe, placuit deinde, nulla re impediante a quolibet nostrum ea quae constituta sunt, temerari, sed cuncta salubri consilio conseruare. Quae, quia profectibus ecclesiae et animae nostrae conueniunt, etiam propria subscriptione ut permaneant roboramus.

And thus these decisions which are described above, with the most religious prince giving assent, thence it is lawful, with nothing impeding any of us from those things which were constituted, to be feared, but to preserve in every salutary council. Which, because they meet with the successes of the church and of our souls, we reinforce also with our own signature so that they may persist.

Ego Isidorus in Christi nomine ecclesiae Spalensis metropolitanus episcopus haec statuta subscripsi.

I Isidore in the name of Christ metropolitan bishop of the church of Seville have subscribed these statutes.

Ego Sclua in Christi nomine ecclesiae Narbonensis metropolitanus episcopus haec statuta subscripsi.

I Sclua in the name of Christ metropolitan bishop of the church of Narbonne have subscribed these statutes.

Ego Stephanus in Christi nomine ecclesiae Emeritensis metropolitanus episcopus haec statuta subscripsi.

I Stephen in the name of Christ metropolitan bishop of the church of Merida have subscribed these statutes.

Ego Iustus in Christi nomine ecclesiae Toletanae metropolitanus episcopus haec statuta subscripsi.

I Justus in the name of Christ metropolitan bishop of the church of Toledo have subscribed these statutes.

Ego Julianus in Christi nomine ecclesiae Bracarensis metropolitanus episcopus haec statute subscripsi.

I Julian in the name of Christ metropolitan bishop of the church of Braga have subscribed these statutes.

⁵⁹ Revelation 19:16.

Ego Audax in Christi nomine ecclesiae
Tarraconensis metropolitanus episcopus
haec statuta subscripsi.

I Audax in the name of Christ
metropolitan bishop of the church of
Tarragona have subscribed these statutes.

Ego Stephanus in Christi nomine
ecclesiae Ausonensis episcopus haec
statuta subscripsi.

Stephen in the name of Christ bishop of
the church of Ausonensis have subscribed
these statutes.

Ego Petrus in Christi nomine ecclesiae
Beterrensis episcopus haec statuta
subscripsi.

I Peter in the name of Christ bishop of the
church of Baudureta have subscribed
these statutes.

Ego Acutulus in Christi nomine ecclesiae
Elenensis episcopus haec statuta
subscripsi.

I Acutulus in the name of Christ bishop of
the church of Elenensis have subscribed
these statutes.

Ego Nonnitus in Christi nomine ecclesiae
Gerundensis episcopus haec statuta
subscripsi.

I Nonnitus in the name of Christ bishop of
the church of Gerona have subscribed
these statutes.

Ego Conantius in Christi nomine ecclesiae
Palentinae episcopus haec statuta
subscripsi.

I Conantius in the name of Christ bishop
of the church of Palencia have subscribed
these statutes.

Ego Clarentius in Christi nomine
ecclesiae Accitanae episcopus haec statuta
subscripsi.

I Clarence in the name of Christ bishop of
the church of Acci have subscribed these
statutes.

Ego Vigitinus in Christi nomine ecclesiae
Vigastrensis episcopus haec statuta
subscripsi.

I Vigitinus in the name of Christ bishop of
the church of Vigastrensis have
subscribed these statutes.

Ego Sisuldus in Christi nomine ecclesiae
Emporitanae episcopus haec statuta
subscripsi.

I Sisuldus in the name of Christ bishop of
the church of Emporion have subscribed
these statutes.

Ego Bonifa in Christi nomine ecclesiae
Cauriensis episcopus haec statuta
subscripsi.

I Bonifa in the name of Christ bishop of
the church of Carae have subscribed these
statutes.

Hilarius Complutensis ecclesiae episcopus
subscripsi.

I Hilary bishop of the church of
Complutum have subscribed.

Ego Eusebius in Christi nomine ecclesiae Bastitanae episcopus haec statuta subscripsi.	I Eusebius in the name of Christ bishop of the church of Baza have subscribed these statutes.
Ego Gabinius in Christi nomine ecclesiae Calagorritanae episcopus haec statuta subscripsi.	I Gabinius in the name of Christ bishop of the church of Calagorra have subscribed these statutes.
Ego Iohannes in Christi nomine ecclesiae Eleplensis episcopus haec statuta subscripsi.	I John in the name of Christ bishop of the church of Eleplensis have subscribed these statutes.
Ego Sisisclus in Christi nomine ecclesiae Elborensis episcopus haec statuta subscripsi.	I Sisisclus in the name of Christ bishop of the church of Elborensis have subscribed these statutes.
Ego Marcellus in Christi nomine ecclesiae Vrcitanae episcopus haec statuta subscripsi.	I Marcellus in the name of Christ bishop of the church of Urcitanae have subscribed these statutes.
Ego Deodatus in Christi nomine ecclesiae Egabrensis episcopus haec statuta subscripsi.	I Deodatus in the name of Christ bishop of the church of Egabrensis have subscribed these statutes.
Ego Iohannes in Christi nomine ecclesiae Dertosanae episcopus haec statuta subscripsi.	I John in the name of Christ bishop of the church of Tortosa have subscribed these statutes.
Ego Eusebius in Christi nomine ecclesiae Valeriensis episcopus haec statuta subscripsi.	I Eusebius in the name of Christ bishop of the church of Baleares have subscribed these statutes.
Ego Leodefredus in Christi nomine ecclesiae Cordobensis episcopus haec statuta subscripsi.	I Leodefredus in the name of Christ bishop of the church of Cordoba have subscribed these statutes.
Ego Iacobus in Christi nomine ecclesiae Montesanae episcopus haec definitiones subscripsi.	I Jacob in the name of Christ bishop of the church of Villanueva de la Fuente have subscribed these decisions.
Ego Germanus in Christi nomine ecclesiae monasterii Dumiensis episcopus	I Germanus in the name of Christ bishop of the church of the monastery of Dumio

haec statuta subscripsi.

have subscribed these statutes.

Ego Samuel in Christi nomine ecclesiae Iriensis episcopus haec statuta subscripsi.

I Samuel in the name of Christ bishop of the church of Iria have subscribed these statutes.

Ego Profuturus in Christi nomine ecclesiae Lamencensis episcopus haec statuta subscripsi.

I Profuturus in the name of Christ bishop of the church of Lagos have subscribed these statutes.

Ego Seruusdei in Christi nomine ecclesiae Calabriensis episcopus haec statuta subscripsi.

I Servusdei in the name of Christ bishop of the church of Calabria have subscribed these statutes.

Ego Montensis in Christi nomine ecclesiae Egitanensis episcopus haec statuta subscripsi.

I Montensis in the name of Christ bishop of the church of Egitanensis have subscribed these statutes.

Ego Remesarius in Christi nomine ecclesiae Nemausensis episcopus haec statuta subscripsi.

I Remesarius in the name of Christ bishop of the church of Nemausensis have subscribed these statutes.

Ego Concordius in Christi nomine ecclesiae Asturicensis episcopus haec statuta subscripsi.

I Concordius in the name of Christ bishop of the church of Asturia have subscribed these statutes.

Ego Ranarius in Christi nomine ecclesiae Orgellitanae episcopus haec statuta subscripsi.

I Ranarius in the name of Christ bishop of the church of Urgel have subscribed these statutes.

Ego Eugenius in Christi nomine ecclesiae Egarensis episcopus haec statuta subscripsi.

I Eugenius in the name of Christ bishop of the church of Egarensis have subscribed these statutes.

Ego Florentius in Christi nomine ecclesiae Sitibitanae episcopus haec statuta subscripsi.

I Florentius in the name of Christ bishop of the church of Sitibitanae have subscribed these statutes.

Ego Teodoigius in Christi nomine ecclesiae Abelensis episcopus haec statuta subscripsi.

I Teodoigius in the name of Christ bishop of the church of Abelensis have subscribed these statutes.

Ego Abentius in Christi nomine ecclesiae

I Abentius in the name of Christ bishop of

Astigitanae episcopus haec statuta subscripsi.	the church of Astorga have subscribed these statutes.
Ego Pimenius in Christi nomine ecclesiae Asidonensis episcopus subscripsi.	I Pimenius in the name of Christ bishop of the church of Sidonia have subscribed.
Ego Eterius in Christi nomine ecclesiae Eliberritanae episcopus subscripsi.	I Eterius in the name of Christ bishop of the church of Elvira have subscribed.
Ego Anatolius in Christi nomine ecclesiae Luteuensis episcopus subscripsi.	I Anatolius in the name of Christ bishop of the church of Luteuensis have subscribed.
Ego Fructuosus in Christi nomine ecclesiae Hilerdensis episcopus subscripsi.	I Fructuosus in the name of Christ bishop of the church of Ilerda have subscribed.
Ego Perseuerantius in Christi nomine ecclesiae Castelonensis episcopus subscripsi.	I Perseverantius in the name of Christ bishop of the church of Castulo have subscribed.
Ego Mustacius in Christi nomine ecclesiae Valentinae episcopus subscripsi.	I Mustacius in the name of Christ bishop of the church of Valencia have subscribed.
Ego Viaricus in Christi nomine ecclesiae Olisiponensis episcopus subscripsi.	I Viaricus in the name of Christ bishop of the church of Lisbon have subscribed.
Antonius Segobriensis ecclesiae episcopus subscripsi.	I Antonius bishop of the church of Segovia have subscribed.
Ego Ansiulfus in Christi nomine ecclesiae Portucalensis episcopus subscripsi.	I Ansiulfus in the name of Christ bishop of the church of Oporto have subscribed.
Ego Serpentinus in Christi nomine ecclesiae Illicitanae episcopus subscripsi.	I Serpentinus in the name of Christ bishop of the church of Ilici have subscribed.
Ego Suabila in Christi nomine ecclesiae Oretanensis episcopus subscripsi.	I Swabila in the name of Christ bishop of the church of Oretanensis have subscribed.
Ego Metopius in Christi nomine ecclesiae Britanniensis episcopus subscripsi.	I Metopius in the name of Christ bishop of the church of Britanniensis have

subscribed.

Ego Anastasius in Christi nomine ecclesiae Tudensis episcopus subscripsi.	I Anastasius in the name of Christ bishop of the church of Tudela have subscribed.
Ego Ilpidius in Christi nomine ecclesiae Tirassonensis episcopus subscripsi.	I Ilpidius in the name of Christ bishop of the church of Tirassona have subscribed.
Ego Osdulfus in Christi nomine ecclesiae Oscensis episcopus subscripsi.	I Osdulfus in the name of Christ bishop of the church of Huesca have subscribed.
Ego Braulio in Christi nomine ecclesiae Cesaragustanae episcopus subscripsi.	I Braulio in the name of Christ bishop of the church of Saragossa have subscribed.
Ego Ansericus in Christi nomine ecclesiae Segobiensis episcopus subscripsi.	I Ansericus in the name of Christ bishop of the church of Segovia have subscribed.
Ego Ildisclus in Christi nomine ecclesiae Segontiensis episcopus subscripsi.	I Ildisclus in the name of Christ bishop of the church of Segontia have subscribed.
Ego Eparcius in Christi nomine ecclesiae Italicensis episcopus subscripsi.	I Eparcius in the name of Christ bishop of the church of Italica have subscribed.
Ego Lausus in Christi nomine ecclesiae Vesensis episcopus subscripsi.	I Lausus in the name of Christ bishop of the church of Viseo (Portugal) have subscribed.
Ego Modarius in Christi nomine ecclesiae Pacensis episcopus subscripsi.	I Modarius in the name of Christ bishop of the church of Beja (Portugal) have subscribed.
Ego Hiccila in Christi nomine ecclesiae Salamanticensis episcopus subscripsi.	I Hiccila in the name of Christ bishop of the church of Salamanca have subscribed.
Ego Vasconius in Christi nomine ecclesiae Lucensis episcopus subscripsi.	I Vasconius in the name of Christ bishop of the church of Alicante have subscribed.
Ego Egila in Christi nomine ecclesiae Oxomensis episcopus subscripsi.	I Egila in the name of Christ bishop of the church of Ossonoba have subscribed.
Centaurus in Christi nomine ecclesiae Tuccitanae presbyter agens uicem domini mei Fidenti episcopi subscripsi.	I Centaurus in the name of Christ priest of the church of Tucci acting on behalf of my lord bishop Fidentius have subscribed.

Renatus in Christi nomine ecclesiae
Conimbriensis archipresbyter agens uicem
domini mei Ermulfi episcopi subscripsi.

I Renatus in the name of Christ archpriest
of the church of Conimbriga acting on
behalf of my lord bishop Ermulfus have
subscribed.

Marcus in Christi nomine ecclesiae
Auriensis presbyter agens uicem domini
mei Dauid episcopi subscripsi.

I Marcus in the name of Christ priest of
the church of Auriensis acting on behalf
of my lord bishop David have subscribed.

Iohannes in Christi nomine ecclesiae
Barcinonensis presbyter agens uicem
domini mei Seueri episcopi subscripsi.

I John in the name of Christ priest of the
church of Barcelona acting on behalf of
my lord bishop Severus have subscribed.

Domarius in Christi nomine ecclesiae
Arcauicensis archidiaconus agens uicem
domini mei Carteri episcopi subscripsi.

I Domarius in the name of Christ
archdeacon of the church of Arcobriga
acting on behalf of my lord bishop
Carterus have subscribed.

Stephanus in Christi nomine ecclesiae
Magalonensis archidiaconus agens uicem
domini mei Genesi episcopi subscripsi.

I Stephen in the name of Christ
archdeacon of the church of Malaga
acting on behalf of my lord bishop
Genesis have subscribed.

Domnellus in Christi nomine ecclesiae
Carcassonensis archidiaconus agens
uicem domini mei Sollemni episcopi
subscripsi.

I Domnellus in the name of Christ
archdeacon of the church of Carcassone
acting on behalf of my lord bishop
Sollemnus have subscribed.

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